(17,905.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1900.

No. 420.

FRED LEE RICE, FRANK RUTLEDGE, AND THOMAS JONES, APPELLANTS,

vs.

JOHN C. AMES, UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

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1 Pleas had at a regular term of the district court of the United States of America for the northern division of the northern district of Illinois, begun and held in the United States court-rooms, in the city of Chicago, in said division and district, on the first Monday of July, it being the 2nd day thereof, in the year of our Lord one thousand nine hundred, and of the Independence of the United States of America the one hundred and twenty-fourth year.

Present: The Hon. Christian C. Kohlsaat, judge presiding; John C. Ames, United States marshal for said district, and T. C. MacMillan, clerk of said district court.

In re Petition of FRED LEE RICE ET AL. for Writ of *Habeas Corpus*. 9304.

Be it remembered that heretofore, to wit, on the 11th day of July, A. D. 1900, there was filed in the clerk's office of the district court of the United States for the northern district of Illinois a petition in the above-entitled cause; which said petition is in the words and figures following, to wit:

2 In the United States District Court in and for the Northern District of Illinois.

UNITED STATES *ex Rel.* FRED LEE RICE, Frank Rutledge, and Thomas Jones *vs.* JOHN C. AMES, United States Marshal for the Northern District of Illinois.	Petition for Writ of *Habeas Corpus*.

To the Honorable Christian C. Kohlsaat, judge of the district court of the United States for the northern district of Illinois:

Your petitioners, Fred Lee Rice, Frank Rutledge, and Thomas Jones, respectfully show that they are now imprisoned and restrained of their liberty by John C. Ames, United States marshal for the northern district of Illinois, at the Cook County jail, in the city of Chicago, in said district.

That your petitioners are thus imprisoned and held in custody under color and authority of the Constitution and statutes of the United States relating to the returning of fugitives from justice to foreign countries with which the United States has concluded treaties of extradition.

That said John C. Ames, marshal, as aforesaid, claims to hold in custody and imprisonment your petitioners to await the action of the Secretary of State of the United States, under and by warrant of a certain warrant of commitment issued by Mark A. Foote, a United States commissioner and commissioner appointed by this honorable court, in pursuance of title 66 of the Revised Statutes of the United States, to act in extradition matters, a true copy of which warrant of commitment is hereto attached.

2½ Your petitioners further show that their said imprisonment is illegal and in violation of the Constitution and laws of the United States for the following reasons:

(1.) Your petitioners submit to this honorable court for decision the question as to whether or not the complaint of William Greer, made June 4th, 1900, is sufficient complaint under oath, as required by section 10 of the treaty with Great Britain and section 5270 of title 66, Revised Statutes of the United States, to give said Mark A. Foote jurisdiction in said matter.

Your petitioners further (say) that they believe that the portion of it relating to one of the charges on which they are held is on information and belief, and they submit to this court the question whether or not all of the complaint aforesaid is upon information and belief, and for that reason void.

(2.) Your petitioners believe that the said Mark A. Foote, commissioner, as aforesaid, lost all possible jurisdiction in the premises because, on motion of your petitioners to continue said cause for reasons hereinafter shown, but not for the purpose of taking depositions, as your petitioners were not entitled under the extradition laws of the United States to take depositions, the said Mark A. Foote thereupon, on June 14th, 1900, continued said cause or set the said matter for hearing for June 25th, 1900, for a period of more than ten days; that your petitioners believe that the said Mark A. Foote had no power or jurisdiction to continue said cause except by consent of the parties or for good cause shown, and then only for ten days, under the circumstances; and your petitioners believe that the actions of the said Mark A. Foote in continuing said proceedings for more than ten days at any one time was contrary to and in

3 violation of section six of the treaty with Great Britain proclaimed March 25th, 1890, and contrary to and in violation of the laws of the United States and of the laws of the State of Illinois regulating the mode of procedure of such examining magistrates in such cases made and provided, and your petitioners therefore believe that all orders thereafter entered in said proceedings by said Mark Foote are void and of no effect.

Your petitioners further show that they are citizens of the United States; that they were arrested and taken into custody June 1st, 1900, in the city of Chicago and State of Illinois, by certain police officers of the city of Chicago, and were taken by said police officers and locked up in the Desplaines Street police station, in the said city of Chicago, on the day of their arrest; that your petitioners were not engaged in the violation of any criminal code or in the commission of any crime whatsoever at the time they were arrested, and that no charges whatsoever had been lodged against your petitioners before any court or magistrate, and no warrant of any kind was then produced authorizing the arrest and detention of your petitioners; that they were told by the police that your petitioners were held as being fugitives from justice and were wanted for offenses committed in Canada; that after being confined, as aforesaid, in the Desplaines Street station, in the city of Chicago, for about the space of twenty-six hours, your petitioners were, on June 2d, 1900, taken

by certain police officers of the city of Chicago before said
4 Mark A. Foote, United States commissioner, as aforesaid, and on the complaint of a police officer named R. Wooldridge the said Mark A. Foote issued his warrant to John C. Ames, United States marshal for the northern district of Illinois, directing said marshal to keep your petitioners in close custody and confinement and bring them before said Mark A. Foote on June the 4th, 1900.

Your petitioners further say that they believe that the complaint so made by said police officer, R Wooldridge, was wholly insufficient to give the said Mark A. Foote jurisdiction to issue his warrant for the arrest and detention of your petitioners, because said complaint was wholly on information and belief and did not show that the said police officer, R. Wooldridge, was authorized to act for the Canadian government.

Your petitioners further show that on the 4th day of June, 1900, they were brought by the said John C. Ames before the said Mark A. Foote, and that the said Mark A. Foote thereupon announced that the proceedings instituted on the complaint of R. Wooldridge were dismissed, and that a complaint had, on June the 4th, been lodged against your petitioners, in which one Arthur Cuddy, a police officer of Canada, was the complainant; that thereupon said Arthur Cuddy requested said Mark A. Foote to continue the said hearing on his complaint in order that he might procure evidence of criminality against your petitioners; whereupon said Mark A. Foote continued said hearing until the 14th day of June, 1900, and thereupon issued his warrant to the said John C. Ames, marshal, as aforesaid, in and by which said warrant said marshal was directed to keep your petitioners in close confinement and custody and bring your petitioners before said Mark A. Foote on the 14th day of June, 1900.

5 Your petitioners further show that they believe the said complaint of Arthur Cuddy was on information and belief and insufficient and void and gave said Mark A. Foote no jurisdiction whatever to issue the last aforesaid warrant; and your petitioners say that they, by their counsel, at the time the charge was lodged against them on the complaint of said Arthur Cuddy, pointed out to said Mark A. Foote that said complaint was void, and asked that your petitioners be forthwith discharged and set at liberty from said imprisonment, but that said Mark A. Foote overruled your petitioners' said motion for discharge; to which ruling your petitioners, by their counsel, then and there excepted.

Your petitioners further say that they were thereupon confined in close custody in the jail of Cook county under and by virtue of the last aforesaid warrant, and by the said John C. Ames, marshal, as aforesaid, brought before the said Mark A. Foote on the said 14th day of June, 1900; and thereupon, on motion of Lynden Evans, attorney for the Canadian government, the proceeding, based upon the complaint of Arthur Cuddy, made on June the 4th and continued to June the 14th, 1900, was dismissed and a new complaint filed by William Greer, a detective from Toronto, Canada.

Your petitioners further show that *that* when they appeared before said Mark A. Foote they, by their counsel, asked that the extradition proceedings be continued, on the ground that they wanted to have time to examine and prepare for the defense of the complaint of the said William Greer then and there lodged against them, which said complaint contained some matters not originally found in any previous complaint, and upon the further ground that they were entitled to make a defense and procure from the Canadian authorities the only

6 money that your petitioners had (which was taken from them when arrested and turned over to the Canadian authorities) for the purposes aforesaid; whereupon the said Mark A. Foote continued or set said extradition matter to June 25th, A. D. 1900, at the hour of 10 o'clock a. m., and issued a new warrant for the arrest and imprisonment of your petitioners, and directed to the said John C. Ames, marshal, as aforesaid, in and by virtue of which your petitioners were kept in close custody and confinement from the 14th day of June until June 25th, 1900, on which day they were again by said marshal brought before said Mark A. Foote.

Your petitioners further say that they are informed and believe that the said Mark A. Foote had no jurisdiction on June the 14th, 1900, for various reasons, among them being that no proper or sufficient complaint had been lodged in said proceedings in and by which said Mark A. Foote obtained jurisdiction to issue his warrants; that if it should be held that the said Mark A. Foote did have jurisdiction on the 14th day of June, 1900, he lost all jurisdiction in continuing the case from June 14th to June 25th, which was a period more than ten days, and your petitioners believe to be contrary to the express provisions of the treaty between the United States and Great Britain of 1842 and 1889, the last treaty being in force in March, A. D. 1900, and contrary to the statutes of the United States and the State of Illinois.

Your petitioners further show that they are informed and believe that the action of said Mark A. Foote in continuing said cause for more than ten days was without any authority in law and amounted to a discontinuance, and that any and every order thereafter entered by him in the said extradition proceedings was absolutely void.

6½ Your petitioners further show that section 6 of the treaty between the United States and Great Britain, proclaimed March 25th, A. D. 1890, is as follows:

"The extradition of fugitives under the provisions of this act *o*nd of the tenth article shall be carried out in *in* the United States and in Her Majesty's dominions, respectively in conformity with the laws regulating extradition for the time being in the surrendering State."

Your petitioners further show that section 1014 of the Revised Statutes of the United States is as follows:

"For any crime or offense against the United States the offender may, by any justice or judge of the United States court, by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of the com-

mon pleas, mayor of a city, justice of the peace, or other magistrate of any State where he may be found, and agreeable to the usual mode of process against offenders in such State and at the expense of the United States be arrested and imprisoned, or bailed as the case may be, for trial before such court of the United States as by law has cognizance of the offense."

Your petitioners further show that section 727 of the Revised Statutes of the United States is as follows:

"The judges of the Supreme Court and of the circuit and district courts, the commissioners of the circuit courts, and the judges and other magistrates of the several States, who are or may be authorized by law to make arrests for offenses against the United States shall have the like authority to hold to security of the peace and for good behavior in cases arising under the Constitution and laws of the United States may be lawfully exercised by any judge or justice of the peace of the respective States in cases cognizable before them."

Your petitioners further show that the legislature of the State of Illinois enacted a law regarding fugitives from jus ice, and is contained in chapter 60 of the Revised Statutes of the State of Illinois, in force July 1st, 1874, and that section 3 of said chapter 60 is as follows:

"When a person is found in this State, charged with an offense committed in another State or Territory and liable by the Constitution and laws of the United States, to be delivered over upon the demand of the executive of such other State or Territory, any judge, justice of the peace or police magistrate may, upon complaint under oath, setting forth the offense, and such other matters as are necessary to bring the case within the provisions of the law, issue a warrant to bring the person charged before the same or some other judge, justice of the peace or police magistrate within this State, to answer to such complaint, as in other cases."

7 Your petitioners further show that they believe that said Mark A. Foote was sitting as an examining magistrate in hearing the above extradition proceedings, and that magistrates of the State of Illinois are governed by the act relating to justices and constables—chapter 79, Revised Statutes of the State of Illinois—and that section 67, article 7, of said chapter is as follows:

"The justice, before the commencement of the trial, may continue a cause not exceeding ten days at any one time, upon consent of the parties, or for any good cause shown, and either party shall be entitled to such continuance, if it shall appear upon his oath, or that of a credible witness, that he cannot safely go to trial on account of the absence of material testimony. No continuance shall be granted on the application of either party, unless it shall appear that he has used due diligence to be ready for trial; nor for the want of evidence if the other party will admit the facts proposed to be proved, or if the evidence desired is the testimony of a witness, that the witness, if present, would testify as alleged by the party applying for the continuance; and if the party making such admission may controvert the facts proposed to be proved by such absent witness."

Your petitioners further show that on the 25th day of June, 1900, your petitioners, by their attorney, at the opening of the proceeding and before any evidence whatever was taken, moved to dismiss the said proceeding before the said M. A. Foote, on the ground that he had no jurisdiction in the premises and therefore could not proceed any further under said complaint, and for the further reason that said complaint was wholly insufficient and void; that said Mark A. Foote overruled said motion to discharge.

That on the 25th day of June, A. D. 1900, the said cause was continued to the 26th day of June, at 10.30 a. m., before said Mark A. Foote, and on June 26th continued to June 27th, 1900.

That on June 27th, 1900, Mr. Lynden Evans, counsel for the demanding government, in the forenoon of said day rested his case and announced that he had no further evidence to offer in
8 the extradition proceedings; that thereupon, in the afternoon of said day, counsel for your petitioners asked that the prisoners be discharged on the ground that said Mark A. Foote had no jurisdiction, and that the evidence was wholly insufficient to sustain the complaint, and that said Mark A. Foote overruled all the motions made by your petitioners and continued said cause until June 28th, at 10 a. m.; that on the morning of June 28th, A. D. 1900, your petitioners, Frank Rutledge and Thomas Jones, announced to said Mark A. Foote that they denied the authority of the said Mark A. Foote to imprison them in the above matter for the reason that said Mark A. Foote had no jurisdiction, and refused to introduce any evidence whatsoever in their behalf in said proceedings; that said Mark A. Foote thereupon then and there refused to discharge your petitioners and continued said proceedings, to take same under advisement—the record of said commissioner will show how—until July 6th, 1900; that on the 28th day of June, 1900, your petitioners were again taken into custody by the said John C. Ames, United States marshal, as aforesaid, under and by virtue of the last aforesaid warrant, and taken into custody until the 6th day of July, 1900; that on the 6th day of July said United States commissioner continued said proceeding until July 10th, 1900, and your petitioners — again taken into custody by said United States marshal.

Your petitioners further show that on July 10th, 1900, your petitioners were again brought before said Mark A. Foote by said marshal; that said Rice introduced testimony in his behalf, and that thereupon he rested his case, and that counsel for the prisoners again moved the court to discharge your petitioners, but that said commissioner held your petitioners for extradition and issued his warrant, on which your petitioners are now held.

9 Wherefore your petitioners pray that a writ of *habeas corpus* may issue out of the district court of the United States for the northern district of Illinois to the said John C. Ames, marshal of the United States district court for the northern district of Illinois, requiring him to produce the bodies of your petitioners before said court, at some convenient time to be therein designated, there to abide what shall be awarded by the court in the premises,

and that your petitioners may be discharged from said imprisonment.

Your petitioners also pray that a writ of certiorari may issue out of said court to said Mark A. Foote, United States commissioner and extradition commissioner, as aforesaid, requiring him to certify with all convenient speed all of the complaints, records, proceedings, and evidence by virtue of which he assumed to act in the premises since June 2nd, 1900, and finally to issue said warrant of commitment.

(Signed) FRED LEE RICE.
FRANK RUTLEDGE.
THOMAS JONES.

NORTHERN DISTRICT OF ILLINOIS, } ss:
County of Cook, }

On this 10th day of July, in the year 1900, before me, Samuel H. Trude, a notary public, personally appeared Fred Lee Rice, Frank Rutledge, and Thomas Jones, the above-named petitioners, and, being by me duly sworn, made oath that the foregoing petition by them subscribed is true in substance and in fact, except as to such matters as are therein stated to be upon information and belief, and as to those matters they believe them to be true.

[SEAL.] SAMUEL H. TRUDE,
Notary Public.

10 UNITED STATES OF AMERICA, }
Northern District of Illinois. }

The President of the United States of America to the marshal of the United States for the northern district of Illinois, and the keeper of the common jail of the county of Cook, in the State of Illinois, Greeting:

Whereas complaint has been made under the oath of William Creer, an Ontario government detective for the province of Ontario, in the Dominion of Canada, duly appointed, qualified, and acting as such, and instructed and authorized by the attorney general of the said province to prosecute extradition proceedings against Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, before Mark A. Foote, United States commissioner in and for said northern district of Illinois, and duly authorized by the district court of the United States in and for the northern district of Illinois to issue warrants for the arrest of fugitives from the justice of foreign governments; that the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did, as complainant is informed and believes, on the 23rd day of May, nineteen hundred, at the town of Aurora, in the county of York and province of Ontario, in the Dominion of Canada, within the jurisdiction and government of Great Britain, commit the crimes of larceny—that is to say, the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge,

alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, at the time and place aforesaid, did steal from the Post-office building in the said town of Aurora a quantity of Canadian postage stamps, as follows: 100 half-cent stamps, 3,500 one-cent stamps, 3,970 two-cent stamps (rose color), 1,300 two-cent stamps (purple color), 83 one-cent, surcharge two-cents; 650 three-cent stamps (maple-leaf design), 170 five-cent stamps,
11 and seven ten-cent stamps, and also certificate for a quantity of mining stock, to wit, certificate for 500 shares in the Monte Christo Mining Company, 100 shares in the Lily May Mining Company, 533 shares in the Roseland Red Mountain Mining Company, 100 shares in the West Egg Gold Mining Company, 250 shares in the Caledonian Consolidated 500 shares in the Vulcan Gold Mining Company, and a receipt for 100 shares in the Silver Ball Mining Company, together with a certain sum of money, to wit, to the amount of $55.00, all the said postage stamps and certificates for mining stock being the property of one H. R. Proctor, and being in all to the value of over two hundred dollars ($200.00); and that the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelley, did, upon the 23rd day of May, nineteen hundred, in the town of Aurora, county of York, and Province of Ontario, in the said Dominion of Canada and within the jurisdiction and government of Great Britain, steal one stallion horse, one road cart, and one set of harness, of the value of over two hundred dollars ($200.00), the property of Philip C. Button, of the town of Stouffville, in the county of York, aforesaid; and

That the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did, on the 23rd day of May, nineteen hundred, at the town of Aurora aforesaid, by night, unlawfully break and enter a certain counting-house or private bank of one John L. Ross, situated in the said town of Aurora, with intent, in so doing, to commit an indictable offense, to wit, to steal the moneys of the said John L. Ross, then being in the said counting-house or bank; and that the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias
12 Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, then and there being in the same counting-house or bank of the said John L. Ross, unlawfully did steal a certain sum of money, to wit, in the amount of five hundred eighty-one dollars and eighty-five cents ($581.85), of the moneys *of the moneys* of the said John L. Ross, the same consisting of nine $5 bank notes (Canadian), one $5 bank note (American), eight $10 bank notes (Canadian), and one $2 Dominion of Canada note, twenty-two $1 Dominion of Canada notes, one silver dollar of the United States of America, and the sum of $21.85 in silver and copper; and

That the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, on the 22nd day of

May, nineteen hundred, in the city of Toronto, in the county of York and Dominion of Canada aforesaid, did commit the crime of shop-breaking and did unlawfully, maliciously, and forcibly break and enter into a certain building in Queen street west, in the said city of Toronto, known as the counting-house of the Standard Bank of Canada, and did commit an indictable offense, known to the law as shop-breaking, contrary to the form of the statutes of the said Dominion of Canada, to wit, section 413 of the Criminal Code of 1892; and

The said William Creer upon his oath further saith that he is informed and believes that the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Fank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are fugitive- from the justice of Great Britain, and did, on or about the month of May, nineteen hundred, flee into the jurisdiction of the United States for the purpose of seeking an asylum and are now within the United States, and that the crimes aforesaid with which the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and
13 Frank Rutledge, alias Frank Dwyer, alias *alias* Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are charged are crimes embraced in the treaty of extradition between the United States and Great Britain; and

Whereas the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, have been apprehended and brought before me, the said Mark A. Foote, commissioner, as aforesaid, for examination on the foregoing charges; and

Whereas on such examination it appears to me that there is probable cause to believe the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, guilty of said offenses:

You, the said marshal, are hereby commanded that you convey the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, to the jail of the said county of Cook, and you, the said keeper of the said jail, are hereby commanded that you receive the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, into said jail and them there safely and securely keep until they be discharged therefrom by due course of law.

In witness whereof I have hereunto set my hand and seal, at Chicago, in said district, this tenth day of July, 1900, and of the Independence of the United States the 124th year.

_____,

U. S. Commissioner, North'n Dist. Ill.

NORTHERN DISTRICT OF ILLINOIS, *sct:*

I have executed the foregoing mittimus, as therein commanded, this — day of July, A. D. nineteen hundred.

JOHN C. AMES,
U. S. Marshal,
By —— —— *Deputy.*

14

STATE OF ILLINOIS, }
County of Cook, } *ss:*

Received from John C. Ames, U. S. marshal, northern district of Illinois, the bodies of the above-named Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, this — day of July, A. D. nineteen hundred.

—— ——,
Jailer of Cook County,
By —— ——.

Endorsed: 9304. District court United States, no. dist. Ill. *In re* petition of Fred Lee Rice *et al.* for *habeas corpus.* Petition. Filed by leave of court July 11, 1900, at 2.20 o'clock p. m. T. C. MacMillan, clerk. $10.00 deposit. B. S. H. Trude.

And afterwards, to wit, on the 11th day of July, A. D. 1900, the following order was had and entered of record in said cause before the Hon. Christian C. Kohlsaat, judge, to wit:

In re Petition of FRED LEE RICE ET AL. for Writ of *Habeas Corpus.*
9304.

On motion of S. H. Trude, attorney for relators on the petition filed herein, and on notice to Lyndon Evans, attorney for the British government, it is ordered that a writ of *habeas corpus* issue to John C. Ames, marshal for the northern district of Illinois, according to the prayer in said petition, and that said writ of *habeas corpus* be returned before me, at my court-room, on the fourteenth day of July, A. D. 1900, at the hour of ten a. m. of said day.

And afterwards, to wit, on the 14th day of July, A. D. 1900, there was filed in the clerk's office of said court in said cause a writ of *habeas corpus*, said writ being in the words and figures following, to wit:

15 District Court of the United States of America, Northern District of Illinois, *ss:*

The United States of America to John C. Ames, United States marshal, northern district of Illinois, Greeting:

We command you that you do, on Saturday, the 14th day of July, A. D. 1900, at the hour of ten o'clock a. m., without excuse or delay, bring or cause to be brought before the district court of the United

States of America for the northern district of Illinois, now sitting in the court-room of said district court, in the city of Chicago, in said district, the bodies of Fred Lee Rice, Frank Rutledge, and Thomas Jones, by whatever name of additions they are known or called, and who are unlawfully detained in your custody, as it is said, together with the day and cause of *his* caption and detention, then and there to perform and abide such order and direction as our said district court shall make in that behalf. Thereof make due return, under the penalty of what the law directs.

To the marshal of the northern district of Illinois to execute.

Witness the Hon. Christian C. Kohlsaat, judge of the district court of the United States of America, at Chicago aforesaid, this 11th day of July, in the year of our Lord one thousand nine hundred, and of our Independence the 124th year.

[SEAL.] T. C. MACMILLAN, *Clerk.*

Endorsed: 3323. "By *habeas corpus* act." District court United States, northern district of Illinois. In the matter of the petition of Fred Lee Rice *et al.* for a writ of *habeas corpus.* Writ of *habeas corpus.* Returnable Sat., July 14, 1900, at 10 a. m. T. C. MacMillan, clerk. S. H. Trude, att'y for petitioner.

16 And afterwards, to wit, on the 14th day of July, A. D. 1900, said writ was returned and filed in said court, with the marshal's return thereon endorsed in the words and figures following, to wit:

In the District Court of the United States for the Northern District of Illinois, Northern Division.

In the Matter of the Petition of FRED LEE RICE, FRANK RUTLEDGE, and THOMAS JONES. *Habeas Corpus.*

To the Honorable Christian C. Kohlsaat, judge of said court:

I, John C. Ames, to whom the attached writ is directed, hereby certify and make return to the writ of *habeas corpus* issued in this case that I am the marshal of the United States for the northern district of Illinois, and that I arrested said petitioners upon June 14th, 1900, upon a warrant duly issued by Mark A. Foote, a United States commissioner duly authorized by said district court to hear applications for extradition and to issue warrants therefor, and that I duly produced said petitioners at each and every hearing on the application aforesaid before Mark A. Foote, commissioner aforesaid, at each and every hearing held before said commissioner in the matter of said application, and after each and every hearing held said petitioners under a commitment issued by the said United States commissioner, and that I now hold the above-named petitioners in my custody as such marshal by virtue of a certain commitment issued by Mark A. Foote, commissioner as aforesaid, on the 10th day of July, A. D. 1900, copies of which warrant and commitment are hereto attached, directing me, as said marshal, to forthwith

commit the said petitioners to the county jail of Cook county, in the said State of Illinois, until they be discharged therefrom by due course of law. Nevertheless, I have the bodies of the said petitioners now before this honorable court.

Dated July 14, 1900.

JOHN C. AMES,
United States Marshal,
By PETER A. ROWE,
Chief Deputy.

17 *Copy of Commitment.*

UNITED STATES OF AMERICA, }
Northern District of Illinois. }

The President of the United States of America to the marshal of the United States for the northern district of Illinois and the keeper of the common jail of the county of Cook, in the State of Illinois, Greeting:

Whereas complaint has been made under the oath of William Greer, an Ontario government detective for the province of Ontario, in the Dominion of Canada, duly appointed, qualified, and acting as such, and instructed and authorized by the attorney general of the said province to prosecute extradition proceedings against Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, before Mark A. Foote, United States commissioner in and for said northern district of Illinois, and duly authorized by the district court of the United States in and for said northern district of Illinois to issue warrants for the arrest of fugitives from the justice of foreign governments, that the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did, as complainant is informed and believes, on the twenty-third day of May, nineteen hundred, at the town of Aurora, in the county of York and province of Ontario, in the Dominion of Canada, within the jurisdiction and government of Great Britain, commit the crimes of larceny—that is to say, the said Fred Lee Rice, alias Fred Harris, alias "Fritz," Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, at the time and place aforesaid, did steal from the post-office building in the said town of Aurora a quantity of Canadian postage stamps as follows: 100 half-cent stamps, 3,500 one-cent stamps, 3,970 two-cent stamps (rose color), 1,300 two-cent stamps (purple color), 83 one-cent stamps, surcharge two cents; 650 three-

18 cent stamps (maple-leaf design), 170 five-cent stamps, and 7 ten-cent stamps, and also certificates for a quantity of mining stock, to wit, certificate for 500 shares of stock of the Golden Star Mining Company, 5,000 shares in the Monte Christo Mining Company, 100 shares in the Lily May Mining Company, 533 shares in the Rossland Red Mountain Mining Company, 100 shares in the

Nest Egg Gold Mining Company, 250 shares in the Caledonian Consolidated, 500 shares in the Vulcan Gold Mining Company, and a receipt for 1,000 shares in the Silver Bell Mining Company, together with a certain sum of money, to wit, to the amount of $55.00, all the said postage stamps and certificates for mining stock and money being the property of one H. E. Proctor and being in all to the value of over two hundred dollars ($200.00); and

That the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did upon the twenty-third day of May, nineteen hundred, in the town of Aurora, county of York, and province of Ontario, in the said Dominion of Canada, and within the jurisdiction and government of Great Britain, steal one stallion horse, one road cart, and one set of harness, of the value of over two hundred dollars ($200.00), the property of Philip G. Button, of the town of Stouffville, in the county of York aforesaid; and

That the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did on the twenty-third day of May, nineteen hundred, at the town of Aurora aforesaid, by night, unlawfully break and enter a certain counting-house, to wit, the counting-house or private bank of one John L. Ross, situate in the said town of Aurora, with intent in so doing to commit an indictable offense, to wit, to steal the moneys of the said John
19 L. Ross, then being in the said counting-house or bank, and that the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, then and there being in the said counting-house or bank of the said John L. Ross, unlawfully did steal a certain sum of money, to wit, in the amount of five hundred eighty-one dollars and eighty-five cents ($581.85), of the moneys of the said John L. Ross, the same consisting of nine $5 bank notes (Canadian), one $5 bank note (American), eight $10 bank notes (Canadian), and one $2 Dominion of Canada note, twenty-two $1 Dominion of Canada notes, one silver dollar of the United States of America, and the sum of $21.85 in silver and copper; and

That the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, on the twenty-second day of May, nineteen hundred, in the city of Toronto, in the county of York and Dominion of Canada aforesaid, did commit the crime of shop-breaking, and did unlawfully, maliciously, and forcibly break and enter into a certain building in Queen street west, in the said city of Toronto, known as the counting-house of the Standard Bank of Canada, and did commit an indictable offense known to the law as shop-breaking, contrary to the form of the statutes of the said Dominion of Canada, to wit, section 413 of the Criminal Code of 1892; and

The said William Greer upon his oath further saith that he is informed and believes that the said Fred Lee Rice, alias Fred Harris,

alias "Fritz;" Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are fugitives from the justice of Great Britain, and did on or about the month of May, nineteen hundred, flee into the jurisdiction of the United States for the purpose of seeking an asylum, and are now within the United States, and that the crimes aforesaid, with
20 which the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are charged, are crimes embraced in the treaty of extradition between the United States and Great Britain; and

Whereas the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, have been apprehended and brought before me, the said Mark A. Foote, commissioner, as aforesaid, for examination on the foregoing charges; and

Whereas on such examination it appears to me that there is probable cause to believe the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, guilty of said offenses:

You, the said marshal, are hereby commanded that you convey the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, to the jail of the said county of Cook; and you, the said keeper of the said jail, are hereby commanded that you receive the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, into said jail, and them there safely and securely keep until they be discharged therefrom by due course of law.

In witness whereof I have hereunto set my hand and seal, at Chicago, in said district, this tenth day of July, 1900, and of the Independence of the United States the 124th year.

MARK A. FOOTE,
U. S. Commissioner, North'n Dist. Ill.

NORTHERN DISTRICT OF ILLINOIS, *sct:*

I have executed the foregoing mittimus, as therein com-
21 manded, this 10th day of July, A. D. nineteen hundred.

JOHN C. AMES,
U. S. Marshal,
By PETER A. ROWE,
Chief Deputy.

STATE OF ILLINOIS, } ss:
County of Cook, }

Received from John C. Ames, U. S. marshal, northern district of Illinois, the bodies of the above-named Fred Lee Rice, alias Fred

Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, this 10th day of July, A. D. nineteen hundred.

JOHN L. WHITMAN,
Jailer of Cook County,
By WILL T. DAVIES,
Jail Clerk.

Endorsed: Filed July 14, 1900. T. C. MacMillan, clerk.

And afterwards, to wit, on the 14th day of July, A. D. 1900, there was filed in the clerk's office of said court an amendment to petition in said cause; which said amendment is in the words and figures following, to wit:

In the United States District Court in and for the Northern District of Illinois.

UNITED STATES *ex Rel.* FRED LEE Rice, Frank Rutledge, and Thomas Jones *vs.* JOHN C. AMES, United States Marshal for the Northern District of Illinois.	Amendment. Amendment to Petition for Writ of *Habeas Corpus.*

To the Honorable Christian C. Kohlsaat, judge of the district court of the United States for the northern district of Illinois:

Now, on this day, come your petitioners, by S. H. Trude, their attorney, and by leave of court first had and obtained present herewith their amended petition, which contains two additional reasons not heretofore mentioned in the original petition, said reasons being as follows:

Your petitioners further say that they believe that section 5270 of title 66 of the Revised Statutes of the United States is unconstitutional, in that it is in contravention of section 1, article 3, of the Constitution of the United States. Your petitioners further say that they do not believe said section 1 authorized Congress to establish a court in the manner in which section 5270, title 66, aforesaid, authorizes a district court to appoint an inferior court for the
22 purpose of extradition. Your petitioners further believe that it was not in the power of Congress to delegate to a district judge the power to establish such a court. Your petitioners further believe that the actions of the commissioner in extradition matters, in the hearing and proceeding, are judicial in their nature and not merely misisterial, and that if said commissioner, Mark A. Foote, in the extradition matter herein was not sitting as a court in hearing and rendering judgment in the premises, then his actions were void, as he in such case would be exercising judicial power not in accordance with section 1, article 3, of the Constitution of the United States.

Your petitioners further submit to this honorable court th
tion as to whether or not they were at any time since the beg
of said extradition proceedings and are now entitled to bai
on June the 4th, A. D. 1900, your petitioners applied to said M
Foote, commissioner, to fix a reasonable bail in the premis
that said Mark A. Foote took said motion under adviseme
never has at any time fixed any bail for your petitioners, an
petitioners pray that if they are not discharged forthwith th
be released upon furnishing reasonable and sufficient bail.

FRED LEE RICE
FRANK RUTLED
TAM JONES.

Subscribed and sworn to before me this 14th day of July
1900.

CHAS. A. BUELL,
Deputy Clerk U. S. Dist. Court, Northern Dist. of Ill

Endorsed: 9304. In district court of United States, no. di
In re petition of Fred Lee Rice *et al.* Amendment of p
Filed July 14, 1900, at 10.45 o'clock a. m. T. C. MacMillan
S. H. Trude, att'y for relators.

And afterwards, to wit, on the 14th day of July, A. D. 19
following order was had and entered of record in said cause
the Honorable Christian C. Kohlsaat, judge, to wit:

23 *In re* Petition of FRED LEE RICE, FRANK RUTLED
THOMAS JONES for Writ of *Habeas Corpus.* 9204.

This cause coming on to be heard on the petition and an
petition filed in this cause and the return of the marshal
writ of *habeas corpus* heretofore issued herein, come the petit
by S. H. Trude, Esq., their attorney, and in custody of the m
and comes also John C. Ames, the marshal for this district,
spondent herein, by Lynden Evans, Esq., his attorney; ther
the court, having heard the arguments of counsel for the peti
and for said marshal and being fully advised in the premise
that said petitioners are lawfully restrained from their liberty,
thereupon ordered and adjudged by the court that the petitio
amended petition in this cause be, and are hereby, dismisse
that said petitioners, Fred Lee Rice, Frank Rutledge, and T
Jones, be, and they hereby are, remanded to the custody of th
marshal, and that said petitioners pay the costs of this proce

And afterwards, to wit, on the 16th day of July, A. D. 1900
was filed in the clerk's office of said court an assignment of
in said cause; which said assignment of errors is in the word
figures following, to wit:

In the Supreme Court of the United States.

In the Matter of FRED LEE RICE, FRANK RUTLEDGE, and THOMAS Jones on Petition and Hearing of Writ of *Habeas Corpus*
vs.
JOHN C. AMES, United States Marshal in and for the Northern District of Illinois.

Appeal from judgment of Christian C. Kohlsaat, judge of the district court of the United States in and for the northern district of Illinois.

And now, on, to wit, this 16th day of July, A. D. 1900, before Chrsitian C. Kohlsaat, judge of the district court of the United States in and for the northern district of Illinois, come Fred
24 Lee Rice, Frank Rutledge, and Thomas Jones, the said appellants, by S. H. Trude, their attorney, and, in accordance with rule 35 of the Supreme Court of the United States, submit the following assignment of errors, and say that in the record and proceedings aforesaid:

(1.) That there is manifest error in this, to wit, Mark A. Foote, the United States commissioner and extradition commissioner, who heard the evidence and held your petitioners in said matter to await the action of the secretary of state, had no jurisdiction on June the 14th, A. D. 1900, to issue the warrant for their said commitment, dated that day, because the complaint of William Greer was on information and belief and not a sufficient complaint as required by section 10 of the treaty with Great Britain and section 5270, title 66, Revised Statutes of the United States.

(2.) There is also manifest error in this, to wit, that said Mark A. Foote lost all possible jurisdiction in the premises by continuing said proceedings on June 14th, 1900, to June 25th, 1900, for a period more than ten days; that said continuance was not in conformity to any law and contrary to and in violation of section 6 of the treaty with Great Britain, enacted in 1889, proclaimed March 25, 1890, contrary to and in violation of the laws of the United States and of the laws of the State of Illinois regulating the mode of procedure of such examining magistrates in such cases made and provided.

(5.) There is also manifest error in this, to wit, that said Mark A. Foote had no jurisdiction in the premises, because section 5270 of title 66 of the Revised Statutes of the United States is unconstitutional (1) because it does not provide for any mode of procedure relating to continuances, change of venue, bail, etc., before commissioners appointed in extradition matters by the district courts
25 of the United States; (2) section 5270, title 66, is unconstitutional because Congress had no power to confer upon a district judge of the United States power to create such inferior courts; (3) because said magistrate is exercising judicial powers in the premises, and Congress has not created such court and established its jurisdiction, powers, etc.

(6.) There is also manifest error in this, to wit, that your petitioners were denied bail by the said Mark A. Foote.

(7.) There is also manifest error in this, to wit, that the finding and judgment of Christian C. Kohlsaat, judge of the district court of the United States in and for the northern district of Illinois, denied the application of your petitioners for discharge in said *habeas corpus* proceedings, which finding and judgment were excepted to by your petitioners at the time it was entered, whereas by the law of the land the said judgment ought to have discharged your petitioners and set them at liberty, and the said Fred Lee Rice, Frank Rutledge, and Thomas Jones pray the judgment aforesaid may be reversed and annulled, and that your petitioners may be discharged and set at liberty in this *habeas corpus* proceeding.

SAMUEL H. TRUDE,
Attorney for Appellants.

Endorsed: 9304. *In re* Fred Lee Rice *et al.* Assignment of errors. Filed July 16, A. D. 1900. T. C. MacMillan, clerk.

And afterwards, to wit, on the 16th day of July, A. D. 1900, there was filed in the clerk's office of the district court of the United States a petition for appeal in said cause; which said petition for appeal is in the words and figures following, to wit:

District Court of the United States for the Northern District of Illinois.

In re Matter of Petition of FRED LEE RICE, FRANK RUTLEDGE, and Thomas Jones for Writ of *Habeas Corpus*
vs.
26 JOHN C. AMES, United States Marshal in and for the Northern District of Illinois.

Petition for Appeal and Writ of Supersedeas.

The above-named Fred Lee Rice, Frank Rutledge, and Thomas Jones consider*ing* themselves ag-rieved by the finding and order of the honorable court that the application of Fred Lee Rice, Frank Rutledge, and Thomas Jones for a discharge, in pursuance of said *habeas corpus* proceedings, *was* denied, said order being entered on July 14th, A. D. 1900, in the above-entitled proceeding, and said Fred Lee Rice, Frank Rutledge, and Thomas Jones do hereby appeal from said finding and order to the Supreme Court of the United States, and they pray that this appeal be allowed, and that a transcript of the record and proceedings and papers upon which said finding and judgment was made, duly authenticated, may be sent to the Supreme Court of the United States.

And your petitioners pray that this honorable court will grant a supersedeas and stay of proceedings pending this appeal, and will order and direct th*at* said John C. Ames, United States marshal, as aforesaid, to hold said Fred Lee Rice, Frank Rutledge, and Thomas Jones, and not deliver them to the Canadian authorities in the above

proceedings, and to abide by and await the final decision of the said United States Supreme Court in the above-entitled matter.

SAMUEL H. TRUDE,
Att'y for Petitioners and App'l'ts.

Endorsed: 9304. *In re* Fred L. Rice *et al.* Petition for appeal. Filed July 16, A. D. 1900. T. C. MacMillan, clerk.

And afterwards, to wit, on the 15th day of July, A. D. 1900, the following order was had and entered of record in said cause before the Hon. Christian C. Kohlsaat, judge, to wit:

26½ *In re* Petition of FRED LEE RICE ET AL. for Writ of *Habeas Corpus.* 9304.

And now, on, to wit, the 16th day of July, A. D. 1900, it is ordered that the appeal be, and the same is hereby, allowed as prayed for, and supercedeas and stay of procee-ings is also allowed to the extent that the said John C. Ames, United States marshal as aforesaid, is hereby ordered and directed to hold said Fred Lee Rice, Frank Rutledge, and Thomas Jones and not deliver them to the Canadian authorities in the above proceedings, and to abide by and await the final decision of the Supreme Court of said United States in the above-entitled matter, and that the said appellants enter into appeal bond in the sum of five hundred dollars, with surety, etc., by Thursday, July 19th, A. D. 1900.

27 And afterwards, to wit, on the 8th day of August, A. D. 1900, the following order was had and entered of record in said cause before the Hon. Christian C. Kohlsaat, judge, to wit:

In re Petition of FRED LEE RICE ET AL. for Writ of *Habeas Corpus.* 9304.

Now, on this day, comes S. H. Trude, attorney for the relators herein, and, on notice to Lynden Evans, attorney for said John C. Ames, presents relators' bill of exception- herein and asks that same be sealed and signed by the judge; and it appearing to the court that said Lynden Evans has been out of the city three weeks and has not examined said bill of exceptions, and that same cannot be settled so as to be incorporated into the record herein and transcript of the record filed in supreme court by the return day of the citation issued herein, it is ordered, upon good cause shown, that the time of appellants and relators herein to docket the case and file the record thereof with the clerk of the Supreme Court of the United States be, and the same hereby is, enlarged and extended forty days from the date hereof. It is further ordered that the time for signing and sealing the bill of exceptions herein be extended thirty days from the date hereof. On motion of attorney for relators and notice, leave is granted to relators to file an additional assignment of errors.

27½ And afterwards, to wit, on the 29th day of August, A. D. 1900, there was filed in the clerk's office of said court, in said cause, a bill of exceptions; which said bill of exceptions is in the words and figures following, to wit:

In the United States District Court, Northern District of Illinois, Northern Division, *ss:*

UNITED STATES *ex Rel.* FRED LEE RICE, Frank Rutledge, and Thomas Jones *vs.* JOHN C. AMES, United States Marshal, Northern District of Illinois. } Writ of *Habeas Corpus.* Gen. No., 9304.

Be it remembered that on the 11th day of July, 1900, in this term, when the petition herein was filed and writ ordered issued, it was stipulated and agreed by and between Lynden E. Evans, attorney for John C. Ames, U. S. marshal, and the British consul herein, and S. H. Trude, attorney for relators herein, that all complaints, warrants, mittimuses, documentary and other evidence introduced before Mark A. Foote, commissioner, from June the 2nd, 1900, to July the 10th, 1900, inclusive, before whom the prisoners were brought for hearing and by whom subsequently held for extradition also the docket of said commissioner, showing his entries therein
28 in the above-entitled matter, should and would be produced on the hearing in the above *habeas corpus* matter without the necessity of a writ of certiorari to compel their production in this cause.

And be it remembered that on the 14th day of July, 1900, it was agreed by and between the counsel for the respective parties in open court that all formal and further joining of issues herein be waived and dispensed with, and that the hearing proceed upon the petition for writ of *habeas corpus* and the amended petition thereto, the writ of *habeas corpus* and the return *fo* the said John C. Ames, U. S. marshal, to the said writ, papers, documents, and evidence hereinafter referred to; which was accordingly done.

And be it further remembered that on the 14th day of July, 1900, on the return of the writ of *habeas corpus* herein and in pursuance of the above stipulation made on the 11th day of July, 1900, the parties hereto produced and offered in evidence the following complaints, warrants, mittimuses, documentary and other evidence, together with the transcript of the docket of said Mark A. Foote in said extradition matter from June 2nd, 1900, until the final termination thereof, on July 10th, 1900, which the parties thereto agreed to be the complaints, warrants, mittimuses, depositions, and evidence, etc., introduced before said Mark A. Foote and docket of Mark A. Foote in said extradition matter, and which were introduced and received in evidence in the hearing of the above-entitled matter, the same being in the words and figures as follows, to wit:

UNITED STATES OF AMERICA, } *sct:*
Northern District of Illinois, }

In the Matter of the Application of CLIFTON R. WOOLDRIDGE under the Extradition Convention between the United States of America and Her Britannic Majesty of Date March 25, 1890.

29 Before Mark A. Foote, United States commissioner for said district, specially appointed for the purpose of title sixty-six *fo* the Revised Statutes of the United States, personally come- Clifton R. Wooldridge. of the city of Chicago, in said division and district, police officer of the said city of Chicago, who, being duly sworn, upon his oath says that according to his information, and as deponent verily believes, one Fred Lee Rice, alias Fred Harris, alias "Fritz;" one Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and one Thomas Jones, alias *alias* Frank Ryan, alias Frank Kelly, on or about the 26th day of May, nineteen hundred, feloniously, willfully, and with force did break into a safe in the village of Aurora, province of Ontario, Dominion of Canada, and steal and carry away therefrom seven hundred dollars in money and other valuable things within the jurisdiction and government of the said Dominion of Canada; that the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank *Frank* Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are fugitives from the justice of the said Dominion of Canada, and did, on or about the 28th day of May, 1900, flee into the jurisdiction of the United States for the purpose of seeking an asylum, and that the crime with which the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ry*na*, alias Frank Kelly, are charged is one embraced in the treaty of extradition between the United States and Her Britannic Majesty's government.

(Signed) CLIFTON R. WOOLDRIDGE.

Subscribed and sworn by the above-named Clifton R. Wooldridge this second day of June, A. D. nineteen hundred, before me—

(Signed) MARK A. FOOTE,
U. S. Commissioner.

UNITED STATES OF AMERICA, } *sct:*
Northern District of Illinois, Northern Division, }

In the Matter of the Application of CLIFTON R. WOOLDRIDGE for the Extradition of Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, under the treaty of extradi-
30 tion between the United States and Her Britannic Majesty, concluded on the ninth day of August, 1842, as amended by the extradition convention between the United States of America and Her Britannic Majesty, concluded on the twelfth day of July, 1889.

Before me, Mark A. Foote, United States commissioner, specially appointed and authorized under the provisions of title sixty-six of

the Revised Statutes of the United States to issue warrants for the arrest of fugitives from the justice of the Dominion of Canada, personally comes Alfred Cuddy, of the city of Toronto, in the province of Ontario and Dominion of Canada, police detective, who, being duly sworn, upon his oath deposes and says that, according to his information and as deponent verily believes, one Fred Lee Rice, alias Fred Harris, alias "Fritz;" one Frank Rutledge, alias Frank Dwyer, and one Thomas Jones, alias Frank *alias Frank* Kelly, alias Frank Ryan, on the 22nd day of May, in the year of our Lord nineteen hundred, unlawfully and feloniously, in the night-time, did break open a window in a certain building on Queen street west, in the said city of Toronto, known as the Standard Bank building, with intent to commit larceny therein.

And deponent upon his oath further deposes and says that the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, as deponent verily believes, did, at the village of Aurora, in the province of Ontario and Dominion of Canada, on the 23rd day of May, in the year of our Lord nineteen hundred, in the night-time, unlawfully and feloniously break open a door of the post-office and bank building there in the said village, with intent to commit larceny therein.

And deponent upon his oath further deposes and says that the said Fred Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan,
31 alias Frank Kelly, are fugitives from the said Dominion of Canada, and did on or about the 28th day of May, 1900, flee into the jurisdiction of the United States for the purpose of seeking an asylum therein, and that the crime with which the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are charged is one embraced in the said treaty and convention of extradition between the said United States and Her Britannic Majesty's government.

(Signed) ALFRED CUDDY.

Subscribed and sworn to by the above-named Alfred Cuddy this 2d day of June, A. D. —, before me—

(Signed) MARK A. FOOTE,
Commissioner.

The President of the United States of America to the marshal of the United States for the northern district of Illinois and to his deputies:

Whereas complaint, on oath, has been made to me by Clifton Wooldridge, as police officer of the city of Chicago, in said district, charging that said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did on or about the 26th day of May, A. D. 1900, within the jurisdiction and government of the Dominion of Canada, commit the crime of burglary; that the said

Fred Lee Rice, Frank Rutledge, and Thomas Jones are fugitives from the justice of the said Dominion of Canada and have sought an asylum and are at present found within the territorial limits of the city of Chicago, in the northern division of the northern district of Illinois:

Now, therefore, pursuant to the convention between the United States of America and Her Britan-ic Majesty of date March 25, 1890, you are hereby commanded in the name of the President of the United States of America to apprehend the said Fred Lee
32 Rice, Frank Rutledge, and Thomas Jones and bring their bodies forthwith before me, Mark A. Foote, United States commissioner, wherever they may be found, and that the evidence of their criminality may be heard and considered, and that they may be then and there dealt with according to law for the said offense.

Given under my hand and seal, at Chicago, in the northern division of the northern district of Illinois, this second day of June, in the year of our Lord nineteen hundred, and of the Independence of the United States the 124th year.

(Signed) MARK A. FOOTE,
United States Commissioner.

UNITED STATES OF AMERICA,
Northern District of Illinois, Northern Division, } ss:

I received this warrant on the 2nd day of June, A. D. 1900, at Chicago, Illinois, and executed the same within my district by arresting the within-named Frank Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, at Chicago, Ills., on the said 2nd day of June, and have their bodies now in court, as commanded.

(Signed) JOHN C. AMES,
United States Marshal,
By GEORGE Q. ALLEN, *Deputy.*

(Filed June 2, 1900.
MARK A. FOOTE,
Commissioner.)

The President of the United States of America to the marshal of the northern district of Illinois and to the keeper of the common jail of the county of Cook, in said district, Greeting:

Whereas Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, have been apprehended and brought before the undersigned, Mark A. Foote, commissioner specially appointed under the provisions of title sixty-six of the Revised Statutes of the United States, and the United States commissioner, for
32½ examination, by virtue of a warrant of the said commissioner issued upon complaint made before him in writing, on oath, charging the said Fred Lee Rice, Frank Rutledge, and Thomas

Jones with burglary committed at Aurora, in the Dominion of Canada, on or about the 26th day of May, 1900, and with being fugitives from the justice of the said Dominion of Canada, and with having fled into the jurisdiction of the United States for the purpose of seeking an asylum therein;

And whereas the examination of the said charge has been adjourned, for good cause appearing, until the fourth day of June, A. D. 1900, at ten o'clock a. m., and the said commissioner has ordered the said Fred Lee Rice, Frank Rutledge, and Thomas Jones to be and appear before the said commissioner at that time for such examination, now, therefore, you, the said marshal, are hereby commanded that you convey the said Fred Lee Rice, Frank Rutledge, and Thomas Jones to the said jail, and that you have them before the said commissioner, at his office in Chicago, in the said district, at the time so fixed for such examination, and thenceforth from day to day until conclusion thereof, and you, the said keeper of the said jail, are hereby commanded that you receive the said Fred Lee Rice, Frank Rutledge, and Thomas Jones into the said jail and them there safely keep in accordance with the command hereof to the said marshal.

Witness the hand and seal of the said commissioner, at Chicago aforesaid, this second day of June, A. D. 1900, and of the Independence of the United States the 124th year.

(Signed) MARK A. FOOTE,
[SEAL.] *U. S. Commissioner, Northern District of Illinois.*

Received from John C. Ames, U. S. marshal, northern district of Illinois, the bodies of the within named this second day of June, A. D. 1900.

(Signed) JOHN L. WHITMAN,
Jailer of Cook County.

(Signature of officer making commitment:)
GEO. Q. ALLEN,
Dep'y U. S. Marshal.

33 I have duly executed this writ by delivering the bodies of the within-named prisoners to the jailer of Cook county, Ills., at Chicago, June 2d, 1900.

(Signed) JOHN C. AMES,
U. S. Marshal,
By GEO. Q. ALLEN, *Dep'y.*

(Filed June 2, 1900.
MARK A. FOOTE,
U. S. Commissioner.)

(*Docket of Mark A. Foote.*)

UNITED STATES OF AMERICA,
Northern District of Illinois, Northern Division.

Before Mark A. Foote, United States commissioner for the northern district of Illinois, at the city of Chicago, in the said division and district, and duly appointed pursuant to title LXVI, U. S. Revised Statutes, to issue warrants for the arrest of fugitives from the justice of foreign governments.

Application for Extradition under the Treaty of Extradition between the United States and Great Britain.

FRED LEE RICE (alias Fred Harris, alias "Fritz"), FRANK RUTLEDGE (alias Frank Dwyer, alias Frank Dyer), and THOMAS JONES (alias Frank Kelly, alias Frank Ryan).

1900.

June 2. Complaint of Clifton R. Wooldridge filed. Warrant to apprehend is issued. Warrant returned. Defendants in court in person and by counsel and complainant in person.

The parties being unready for examination, further proceedings herein are adjourned until 10 o'clock a. m., the mittimus being issued therefor.

Additional affidavit of Alfred Cuddy is filed.

Parties in court, the accused in person and by their attorney, S. H. Trude, Esq., and the complainants, Clifton R. Wooldridge and Alfred Cuddy, in person; and the foregoing proceedings being for the purpose of provisional arrest, which purpose has been accomplished, this case is accordingly dismissed.

Before Mark A. Foote, United States commissioner, northern district of Illinois.

In the Matter of the Application of ALFRED CUDDY for the Extradition of Fred Lee Rice, alias Fred Harris, alias "Fritz;"
34 Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Tyan, alias Frank Kelly, under the treaty of extradition between the United States of America and Her Britannic Majesty, concluded on the twelfth day of July, eighteen hundred and eighty-nine.

UNITED STATES OF AMERICA,
Northern District of Illinois, Northern Division, } *ss:*

Before me, Mark A. Foote, United States commissioner for the northern district of Illinois, specially appointed and authorized under the provisions of title sixty-six of the Revised Statutes of the United States to issue warrants for the apprehension of fugitives

from the justice of the Dominion of Canada, personally comes Alfred Cuddy, of the city of Toronto, in the province of Ontario and Dominion of Canada, police detective, who, being duly sworn, upon his oath deposes and says that he has been heretofore instructed and authorized by the attorney general and other proper and constituted authorities to act as agent for the said Dominion of Canada in the matter of the application herein, and that, according to his information and as deponent verily believes, one Fred Lee Rice, alias Fred Harris, alias "Fritz;" one Frank Rutledge, alias Frank Dwyer, and one Thomas Jones, alias Frank Ryan, alias Frank Kelly, on the 22nd day of May, in the year of our Lord nineteen hundred, in the night-time, willfully and maliciously and forcibly did break and enter into a certain building in Queen street west, in the city of Toronto, province of Ontario and Dominion of Canada, known as the Standard Bank building, with intent to commit larceny therein.

Deponent further upon his said oath deposes and says that, according to his information and as deponent verily believes, the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, the 23rd day of May, in the year of our Lord nineteen hundred, in the night-time, willfully and maliciously and forcibly did break and enter into a certain building in the village of Aurora, province of Ontario and Dominion of Canada, known as the post-office and bank building, with intent to commit larceny therein.

Deponent further says upon his oath that the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are fugitives from the justice of the said Dominion of Canada, and did, on or about the twenty-eighth day of May, nineteen hundred, flee into the jurisdiction of the said United States for the purpose of seeking an asylum therein, and that the crime with which the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are charged is one embraced in the said treaty and convention of extradition between the said United States of America and Her Britannic Majesty's government.

(Signed) ALFRED CUDDY.

Subscribed and sworn to by the above-named Alfred Cuddy this 4th day of June, A. D. 1900, before me—

(Signed) MARK A. FOOTE,
U. S. Commissioner.

Before Mark A. Foote, United States commissioner, northern district of Illinois.

In the Matter of the Application of ALFRED CUDDY for the Extradition of Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, under the treaty of extradition between the United States of America and Her Britannic Majesty, concluded on the ninth day of August, eighteen hundred and forty-two, as amended by the extradition convention between the United States of America and Her Britannic Majesty, concluded on the twelfth day of July, eighteen hundred and eighty-nine.

36 UNITED STATES OF AMERICA, } *sct:*
Northern District of Illinois, Northern Division, }

Before me, Mark A. Foote, United States commissioner for the northern district of Illinois, specially appointed and authorized under the provisions of title sixty-six of the Revised Statutes of the United States to issue warrants for the apprehension of fugitives from the justice of the Dominion of Canada, personally comes Alfred Cuddy, of the city of Toronto, in the province of Ontario and Dominion of Canada, police detective, who, being first duly sworn, upon his oath deposes and says that he has heretofore been instructed and authorized by the attorney general of the province of Ontario and other proper and constituted authorities of the Dominion of Canada to act as agent for the said Dominion of Canada, which is within the jurisdiction and government of Her Britannic Majesty, in the matter of the application herein; that, according to his information and as he verily believes, one Fred Lee Rice, alias Fred Harris, alias "Fritz;" one Frank Rutledge, alias Frank Dwyer, and one Thomas Jones, alias Frank Ryan, alias Frank Kelly, on the 22nd day of May, in the year of our Lord nineteen hundred, in the night-time, did willfully and maliciously and forcibly break and enter into a certain building in Queen street west, in the city of Toronto, province of Ontario and Dominion of Canada, known as the Standard Bank building, which is within the jurisdiction of Her Britannic Majesty.

Deponent further says that said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, on the 23rd day of May, nineteen hundred, in the night-time, willfully and maliciously and forcibly did break and enter into a certain building in the village of Aurora, province of Ontario and Dominion of Canada aforesaid, known as the post-office and bank building, and did commit larceny therein, and then and there took and appropriated to their own use the sum of six hundred dollars ($600.00) in current money of
37 the Dominion of Canada, and postage stamps of said dominion of the value of one hundred and fifty dollars ($150.00), and five hundred shares of stock in the Golden Star Mining Company, a corporation of the Dominion of Canada, and five thousand

shares in the Monte Christo, a corporation of said Dominion of Canada.

Further deponent says that the said Fred Lee Rice, Frank Rutledge, and Thomas Jones did, on the twenty-second day of May, nineteen hundred, in the city of Toronto, province of Ontario and Dominion of Canada aforesaid, commit burglary; and, further, that the said Fred Lee Rice, Frank Rutledge, and Thomas Jones did, in the village of Aurora, province of Ontario and Dominion of Canada aforesaid, on the twenty-third day of May, nineteen hundred, commit burglary.

Further deponent says that said Fred Lee Rice, alias as aforesaid, Frank Rutledge, alias as aforesaid, and Thomas Jones, alias as aforesaid, are fugitives from the justice of the said Dominion of Canada, and did, on or about the twenty-eighth day of May, nineteen hundred, flee into the jurisdiction of the said United States and seek an asylum therein, and that the crimes with which the said Fred Lee Rice, Frank Rutledge, and Thomas Jones are charged are crimes embraced in the said treaty as [illegible] convention of extradition and amendment thereto between the said United States of America and Her Britan-ic Majesty, and that all [illegible] crimes are punishable by the laws of both of said countries named in said treaty and by the laws of the Dominion of Canada and the State of Illinois.

Further deponent saith that the window of the said Standard Bank building was broken and the catch of said window broken and the window forced open and the combination of a safe in said bank building broken off, and that said three persons seized an officer upon his beat in front of said bank building, tied his hands and feet, threw him into a barn near by, and one of said three stood guard over him with a revolver, and took a revolver from said officer, while the others broke said window and damaged said safe,
38 as aforesaid, upon May 22nd, nineteen hundred, and that upon May 23rd, nineteen hundred, said three parties charged, as aforesaid, after committing the above-named burglary in the said village of Aurora, left in said village the revolver of the above-mentioned officer, bound as aforesaid, as affiant is informed and verily believes.

(Signed) ALFRED CUDDY.

Subscribed and sworn to by the above-named Alfred Cuddy this fourth day of June, A. D. nineteen hundred, before me—

(Signed) MARK A. FOOTE,
U. S. Commissioner.

UNITED STATES OF AMERICA, }
Northern District of Illinois, Northern Division, } *sct:*

The President of the United States of America to the marshal of the United States for the said district and to his deputies or to any or either of them, Greeting:

Whereas complaint in writing, under oath, has been this day made before Mark A. Foote, United States commissioner in and for

said district, by Alfred Cuddy, agent in this behalf for the Dominion of Canada, that complainant has just and reasonable grounds to believe that Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did, on or about the twenty-second day of May, 1900, in the night-time, willfully, maliciously, and forcibly break and enter into a certain building in the city of Toronto, province of Ontario and Dominion of Canada, with intent to commit larceny therein, and did, on the twenty-third day of May, 1900, in the night-time, willfully, maliciously, and forcibly break and enter into a certain building in the village of Aurora, in said province of Ontario and Dominion of Canada, with intent to commit larceny therein:

These are therefore to command you to apprehend the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, and bring them before the said commissioner, or, in case of his absence or inability to act, before any other judicial officer
39 having jurisdiction to answer the premises, and further to be dealt with according to law, and have you then and there this writ, with a return of your doings hereon.

Witness the hand and seal of the said commissioner, at Chicago aforesaid, this 4th day of June, in the year of our Lord one thousand nine hundred.

(Signed) MARK A. FOOTE,
[SEAL.] *U. S. Commissioner.*

Received this warrant on the fourth day of June, 1900, at Chicago, Ill., and executed the same by arresting the within-named Fred Lee Rice, alias Fred Harris, alias Fritz, and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, at Chicago, Illinois, the fourth day of June, A. D. 1900, and have their bodies now in court as within I am commanded.

Dated Chicago, Ill., June 4th, 1900.
Filed June 4th, 1900.

MARK A. FOOTE, *U. S. Com.*
JOHN C. AMES, *U. S. Marshal,*
By JOHN Q. ALLEN, *Deputy.*

The President of the United States of America to the marshal of the northern district of Illinois, and to the keeper of the common jail of the county of Cook, in said district, Greeting:

Whereas Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, have been apprehended and brought before the undersigned, Mark A. Foote, a United States commissioner for the district aforesaid, for examination, by virtue of a warrant of the said commissioner issued upon a complaint made before him in writing on oath, charging the said Fred Lee Rice, alias Fred Harris, alias

"Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, with burglary in the city of Toronto and village of Aurora, in the province of Ontario and Dominion of Canada, and application for their extradition;

And whereas the examination of the said charge has been adjourned, for good cause appearing, until the fourteenth day of June, A. D. 1900, at ten o'clock a. m.:

Now, therefore, you, the said marshal, are hereby commanded that you convey the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, to the said jail, and that you have them before the said commissioner, at his office, in Chicago, in the said district, at the time so fixed for such examination, and thenceforth from day to day until conclusion thereof; and you, the said keeper of the said jail, are hereby commanded that you receive the said Fred Lee Rice, alias Fred Harris, alias Fritz; Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, into the said jail, and them there safely keep, in accordance with the command hereof to the said marshal.

Witness the hand and seal of the said commissioner, at Chicago aforesaid, this 4th day of June, A. D. 1900, and of the Independence of the United States the 124th year.

(Signed) MARK A. FOOTE,
U. S. Commissioner, Northern District of Illinois.

Received from John C. Ames, U. S. marshal, northern district of Illinois, the bodies of the within named this fourth day of June, A. D. 1900.

(Signed) JOHN L. WHITMAN,
Jailer of Cook County.
GEORGE Q. ALLEN,
Dep'y U. S. Marshal.

I have executed this writ by delivering the bodies of the within-named prisoners to the jailer of Cook county, Ills., at Chicago, Ills., as therein commanded, June 4th, nineteen hundred.

JOHN C. AMES,
U. S. Marshal,
By GEO. Q. ALLEN, *Deputy.*

Filed June 4th, 1900.

MARK A. FOOTE,
U. S. Commissioner.

Docket of Mark A. Foote.

UNITED STATES OF AMERICA,
Northern District of Illinois, Northern Division.

Before Mark A. Foote, U. S. commissioner for the northern district of Illinois, at the city of Chicago, in said division and
41 district, and duly appointed pursuant to title LXVI, U. S. Revised Statutes, to issue warrants for the arrest *for the arrest* of fugitives from the justice of foreign governments.

Application for Extradition under the Treaty of Extradition Between the United States and Great Britain.

FRED LEE RICE (alias Fred Harris, alias "Fritz"); FRANK RUTLEDGE (alias Frank Dwyer, alias Frank Dyer), and THOMAS JONES (alias Frank Ryan, alias Frank Kelly).

1900.

June 4. Complaint of Alfred Cuddy, agent in this behalf for the government of the province of Ontario, Dominion of Canada, is filed and warrant to apprehend is issued. Warrant returned. Defendants in court, in person and by their attorney. S. H. Trude, Esq., complainant, in person.

Defendants move to quash complaint and warrant and for the discharge of the accused, and each of them, on the ground that the complaint herein is informal, uncertain, and insufficient in law to issue a warrant and detain defendants, being on information and belief. Motion denied. And the parties being unready for examination, further proceedings are adjourned until 10 o'clock a. m., the 14th inst., and mittimus for the commitment of the defendants is issued accordingly.

June 14. Parties in court as before, except that William Greer, duly accredited agent of the Ontario government, appears instead of the above-named complainant.

Stating that certain moneys were taken from the accused at the time of their arrest, defendants move for an order that such funds be placed in court. Complainant opposes the motion, inasmuch as such funds appear to have been taken, and to be held in the nature of the evi-
dence, as provided by the treaty under which
42 these proceedings arose. The motion is denied.

Defendants also move that the prosecution be required to disclose the depositions produced here but not yet offered, and the motion is denied.

The foregoing process having been for the purpose of provisional apprehension and detention, and that purpose having been accomplished, this case is accordingly dismissed.

UNITED STATES OF AMERICA,)
Northern District of Illinois, Northern Division Thereof,) ss:

In the Matter of the Application of the Extradition of FRED LEE RICE (alias Fred Harris, alias "Fritz"); FRANK RUTLEDGE (alias Frank Dwyer, alias Frank Dyer), and THOMAS JONES (alias Frank Ryan, alias Frank Keely), under the extradition treaty between the United States and Great Britain.

Before me, Mark A. Foote, United States commissioner in and for said district and duly authorized by the district court in and for said *said* district to issue warrants for the arrest of fugitives from the justice of foreign governments, personally comes William Greer, who, being first duly sworn, upon his oath says that he is an Ontario government detective for the province of Ontario, duly appointed, qualified, and acting as such and instructed and authorized by the attorney general of the said province to act as the agent of the government of the said province in the matter aforesaid and to prosecute extradition proceedings against Fred Lee Rice (alias Fred Harris, alias "Fritz"); Frank Rutledge (alias Frank Dwyer, alias Frank Dyer), and Thomas Jones (alias Frank Ryan, alias Frank Kelly), hereinafter mentioned, for the offense hereinafter set forth.

And the said William Greer upon his oath further saith that he is informed and believes that on the 23rd day of May, 1900, A. D., at the town of Aurora, in the county of York and province of Ontario, Canada, within the jurisdiction and government of
43 Great Britain, said Fred Lee Rice (alias, as aforesaid), Frank Rutledge (alias, as aforesaid), and Thomas Jones (alias, as aforesaid), did commit the crimes of larceny—that is to say, the said Fred Lee Rice, Frank Rutledge, and Thomas Jones, at the time and place aforesaid, unlawfully did steal from the post-office building in the said town of Aurora a quantity of Canadian postage stamps as follows, to wit: 100 half-cent stamps, 3,500 one-cent stamps, 3,970 two-cent stamps (rose color), 1,300 two-cent stamps (purple color), 83 one-cent stamps, surcharge two cents; 650 three-cent stamps (maple-leaf design), 170 five-cent stamps, and 7 ten cent stamps; and also certificates for a quantity of mining stock, to wit, certificate for 500 shares of stock in the Golden Star Mining Company, 5,000 shares in the Monte Christo Mining Company, 100 shares in the Lily May Mining Company, 533 shares in the Roseland Red Mountain Mining Company, 100 shares in the Nest Egg Gold Mining Company, 250 shares in the Caledonian Consolidated, 500 shares in the Vulcan Gold Mining Company, and a receipt for 1,000 shares in the Silver Bell Mining Company, together with a certain sum of money, to wit, to the amount of $55, all the said postage stamps and certificates of mining stock and money being the property of one H. E. Proctor, and being in all to the value of over $200.

And further affiant says that upon the 23rd of May, A. D. 1900, in the town of Aurora, county of York, in the province of Ontario,

Canada, aforesaid, and within the jurisdiction aforesaid, Fred Lee Rice (alias Fred Harris, alias Fritz) and Frank Rutledge (alias Frank Dwyer), Thomas Jones (alias Frank Ryan, alias Frank Kelly), and James Austin did steal one stallion horse, one road cart, and one set of harness of the value of over $200, the property of Philip G. Button, of the town of Stouffville, county of York aforesaid.

And further deponent says that Fred Lee Rice (alias Fred Harris, alias Fritz), Frank Rutledge (alias Frank Dwyer), Thomas
44 Jones (alias Frank Ryan, alias Frank Kelly), and James Austin, on the 23rd day of May, in the year of our Lord 1900, at the town of Aurora, in the county of York, aforesaid, did by night unlawfully break and enter a certain counting-house, to wit, the counting-house or private bank of one John L. Ross, situate in the said town of Aurora, aforesaid, with intent in so doing to commit an indictable offense, to wit, to steal the moneys of the said John L. Ross then being in the said counting-house or bank, and that the said Fred Lee Rice (alias Fred Harris, alias Fritz), Frank Rutledge (alias Frank Dwyer), Thomas Jones (alias Frank Ryan, alias Frank Kelly), and James Austin, then and there being in said counting-house or bank of the said John L. Ross, unlawfully did steal a certain sum of money, to wit, in the amount of $581.85 of the money of the said John L. Ross, the same consisting of nine $5 bank notes (Canadian), one $5 bank note (American), eight $10 bank notes (Canadian), and one $2 Dominion of Canada note, twenty-two $1 Dominion of Canada notes, one silver dollar of the United States of America, and the sum of $21.85 in silver and copper.

Further deponent says that on the 22nd day of May, in the year of our Lord 1900, in the city of Toronto, in the county of York, province of Ontario, Dominion of Canada, aforesaid, Fred Lee Rice (alias Fred Harris, — "Fritz"), Frank Rutledge (alias Frank Dwyer), Thomas Jones (alias Frank Ryan, alias Frank Kelly), and James Austin, at the city of Toronto, in the county of York aforesaid, did commit the crime of shop-breaking, and did unlawfully, maliciously, and forcibly break and enter into a certain building in Queen street west, in the said city of Toronto, and did commit an indictable offense therein and *was* guilty of a criminal offense known to the law as shop-breaking, contrary to the form of section 413
45 of the Criminal Code, 1892, of the Dominion of Canada aforesaid.

And the said William Greer upon his oath further says he is informed and believes that the said Fred Lee Rice, Frank Rutledge, and Thomas Jones — fugitives from the justice of Great Britain and did, on or about the month of May, 1900, A. D., flee into the jurisdiction of the United States for the purpose of seeking an asylum and *is* now within the said United States, to wit, in the State of Illinois, and that the crimes aforesaid with which the said Fred Lee Rice, Frank Rutledge, and Thomas Jones are charged is such one embraced in the treaty of extradition between the said United States and Great Britain.

(Signed) WILLIAM GREER.

Subscribed and sworn to before me this 14th day of June, A. D. 1900.

(Signed) MARK A. FOOTE,
U. S. Commissioner in and for said District.

(Filed June 14th, 1900.
MARK A. FOOTE,
U. S. Commissioner.)

UNITED STATES OF AMERICA, }
Northern District of Illinois, Northern Division Thereof, } *sct:*

The President of the United States to the marshal of the United States for said district, Greeting:

Whereas complaint has been made, under the oath of William Greer, before Mark A. Foote, United States commissioner in and for said district and duly authorized by the district court of said district to issue warrants for the arrest of fugitives from justice of foreign governments, that Fred Lee Rice (alias Fred Harris, alias Fritz), Frank Rutledge (alias Frank Dwyer, alias Frank Dyer), and Thomas Jones (alias Frank Ryan, alias Frank Kelly) did, on the 23rd day of May, 1900, A. D., at the town of Aurora, in the county of York, province of Ontario, Canada, within the jurisdiction and government of Great Britain, commit the crime of larceny—that is to say, that the said Fred Lee Rice (alias Fred Harris,
46 alias Fritz), Frank Rutledge, alias Frank *F*wyer, alias Frank Dyer, and Thomas Jones, aloas Frank Ryan, alias Frank Kelly, at the time and place aforesaid, unlawfully did steal from the post-office building in the said town of Aurora a quantity of Canadian stamps as follows, to wit: 100 half-cent stamps, 3,500 one-cent stamps, *3,500 one-cent stamps*, 3,870 two-cent stamps (rose color), 1,300 two-cent stamps (purple color), 83 one-cent stamps, surcharge 2 cents; 650 three-cents stamps (maple-leaf design), 170 five-cent stamps, and 7 ten-cent stamps; also certificates for a quantity of mining stock, to wit, certificate for 500 shares of stock in Golden Star Mining Company, 500 shares in the Monte Christo Mining Company, 533 shares in the Ross Red Mountain Mining Company, 100 shares in the Nest Egg Gold Mining Company, 250 shares in the Vulcan Gold Mining Company, and a receipt for 1,000 shares in the Silver Bell Mining Company, together with a certain sum of money, all the said postage stamps and certificates for mining stock and money being the property of one H. E. Proctor, and being in all to the value of over $200.

And further affiant says that upon the 23rd day of May, A. D. 1900, in the town of Aurora, county of York, in the province of Ontario, Canada, aforesaid, and within the jurisdiction aforesaid, Fred Lee Rice (alias Fred Harris, alias Fritz) and Frank Rutledge (alias Frank Dwyer), Thomas Jones (alias Frank Ryan, alias Frank Kelly), and James Austin did steal one stallion horse, one road cart, and one set of harness of over the value of $200, the property of Philip G. Button, of the town of Stouffville, county of York, aforesaid.

And further deponent says that Fred Lee Rice (alias Fred Harris, alias Fritz), Frank Rutledge (alias Frank Dwyer), Thomas Jones (alias Frank Ryan, alias Frank Kelly), and James Austin, on the 23rd day of May, in the year of our Lord 1900, at the town of Aurora, in the county of York, aforesaid, did by night unlawfully break and enter a certain counting-house, to wit, the counting-house or private bank of one John L. Ross, situate in the said town of Aurora aforesaid, with intent in so doing to commit an indictable offense, to wit, to steal the moneys of the said John L. Ross then being in the said counting-house or bank, and that the said Fred Lee Rice (alias Fred Harris, alias "Fritz"), Frank Rutledge (alias Frank Dwyer), and Thomas Jones (alias Frank *Tyan*, alias Frank Kelly), and James Austin then and there being in said counting-house or bank of the said John L. Ross, unlawfully did steal a certain sum of money, to wit, in the amount of $581.85 of the moneys of the said John L. Ross, the same consisting of nine $5 bank notes (Canadian), one $5 bank note (American), eight $10 bank notes (Canadian), and one $2 Dominion of Canada note, twenty-two $1 Dominion of Canada notes, one silver dollar of the United States of America, and the sum of $21.85 in silver and copper.

47 Further deponent says that on the 22nd day of May, in the year of our Lord 1900, in the city of Toronto, in the county of York, province of Ontario, Dominion of Canada aforesaid, Fred Lee Rice (alias Fred Harris, alias "Fritz"), Frank Rutledge (alias Frank Dyer), Thomas Jones (alias Frank Ryan, alias Frank Kelly), and James Austin, at the city of Toronto, in the county of York aforesaid, did commit the crime of shop-breaking and did unlawfully, maliciously, and forcibly break and enter into a certain building in Queen street west, in the said city of Toronto, known as the counting-house of the Standard Bank of Canada, and did commit an indictable offense therein and *was* guilty of the criminal offense known to the law as shop-breaking, contrary to the form of section # 413 of the Criminal Code, 1892, of the Dominion of Canada aforesaid.

That the said Fred Lee Rice, Frank Rutledge, and Thomas Jones are fugitives from the justice of Great Britain, and did on or about the month of May, 1900, A. D., flee into the jurisdiction of the United States for the purpose of seeking an asylum, and that the crimes with which the said Fred Lee Rice, Frank Rutledge, and Thomas Jones are charged *is* each one embraced within the treaty of extradition between the United States and Great Britain.

These are therefore to command you to apprehend the said Fred Lee Rice, Frank Rutledge, and Thomas Jones (alias as aforesaid), and bring them before the said commissioner to answer the premises, and further to be dealt with according to law and the provisions of said treaty.

In witness whereof I hereunto set my hand, at office, in said district, this 14th day of June, A. D. 1900.

MARK A. FOOTE,

[SEAL.] *U. S. Commissioner in and for said District.*

Filed July 10th, 1900.

The President of the United States of America to the marshal of the northern district of Illinois, and to the keeper of the common jail of the county of Cook, in said district, Greeting:

Whereas Fred Lee Rice (alias Fred Harris, alias Fritz), and Frank Rutledge (alias Frank Dwyer, alias Frank Dyer), and Thomas Jones (alias Frank Ryan, alias Frank Kelly) have been apprehended and brought before the undersigned, Mark A. Foote, United States commissioner for the district aforesaid, for examination, by virtue
48 of a warrant of the said commissioner, issued upon complaint made before him in writing on oath, charging the said Fred Lee Rice, Frank Rutledge, and Thomas Jones with larceny, burglary, and shop-breaking committed at the city of Aurora and the city of Toronto, in the Dominion of Canada, on or about the 23rd and 22nd day of May, 1900, and with being fugitives from the justice of the said Dominion of Canada, and with having fled into the jurisdiction of the United States for the purpose of seeking an asylum therein;

And whereas the examination of the said charge has been adjourned for good cause appearing until the 25th day of June, A. D. 1900, at 10 o'clock a. m., and the commissioner has ordered the said Fred Lee Rice, Frank Rutledge, and Thomas Jones to be and appear before the said commissioner: Now, therefore, you, the said marshal, are hereby commanded that you convey the said Fred Lee Rice, Frank Rutledge, and Thomas Jones to the said jail, and that you have them before the said commissioner, at his office in Chicago, in the said district, at the time so fixed for such examination and thenceforth from day to day until the conclusion thereof; and you, the said keeper of the said jail, are hereby commanded that you receive the said Fred Lee Rice, Frank Rutledge, and Thomas Jones into the said jail, and them there safely keep in accordance with the command hereof to the said marshal.

Witness the hand and seal of the said commissioner, at Chicago aforesaid, this 14th day of June, A. D. 1900, and of the Independence of the United States the 124th year.

(Signed) MARK A. FOOTE,
U. S. Commissioner, Northern District of Illinois.

UNITED STATES OF AMERICA, }
Northern District of Illinois, } *sct:*

The President of the United States to the marshal of the United States for the northern district of Illinois, and to the keeper of the common jail of Cook county, in the State of Illinois, Greeting:

Whereas complaint has been made under the oath of Wil-
49 liam Greer, an Ontario Government detective for the province of Ontario, duly appointed, qualified, and acting as such, and instructed and authorized by the attorney general of the said province to act as the agent of the government of the said province to prosecute extradition proceedings against Fred Lee Rice (alias Fred Harris, alias "Fritz"), and Frank Rutledge (alias Frank Dwyer), and Thomas Jones (alias Frank Ryan, alias Frank Kelly)

before Mark A. Foote, United States commissioner in and for said district, and duly authorized by the district court of the said district to issue warrants for the arrest of fugitives from the justice of foreign governments, that the said Fred Lee Rice, Frank Rutledge, and Thomas Jones did, as complainant is informed and believes, on the 23rd day of May, 1900, at the town of Aurora, in the county of York and province of Ontario, Canada, within the jurisdict- and government of Great Britain, commit the crimes of larceny—that is to say, the said Fred Lee Rice, Frank Rutledge, and Thomas Jones, at the time and place aforesaid, unlawfully did steal from the post-office building in the said town of Aurora a quantity of Canadian postage stamps as follows: 100 half-cent stamps, 3,500 one-cent stamps, 3,970 two-cent stamps (rose color), 1,300 two-cent stamps (purple color), 83 one-cent stamps, surcharge 2 cents; 650 three-cent stamps (maple-leaf design), 170 five-cent stamps, and seven ten-cent stamps; and also certificate for a quantity of mining stock, to wit, certificate for 500 shares of stock of the Golden Star Mining Company, 5,000 shares in the Monte Christo Mining Company, 100 shares in the Lily May Mining Company, 100 shares in the Nest Egg Gold Mining Company, 250 shares in the Caledonian Consolidated, 500 shares in the Vulcan Gold Mining Company, and a receipt for 1,000 shares in the Silver Bell Mining Company, together with a certain sum of money, to wit, to the amount of $55, all the said postage stamps and certificates for mining stock and money being the property of one H. E. Proctor and being, in all, to the value of over $200; and

That the said Fred Lee Rice, Frank Rutledge, and Thomas Jones did, upon the 23rd day of May, 1900, in the town of Aurora aforesaid, steal one stallion horse, one road cart, and one set of harness, of the value of over $200, the property of one Philip G. Button, of the town of Stouffville, county of York aforesaid; and

That the said Fred Lee Rice, Frank Rutledge, and Thomas Jones did, on the 23rd day of May, 1900, at the town of Aurora aforesaid, by night, unlawfully break and enter a certain counting-house, to wit, the counting-house or private bank of one John L. Ross, situate in the said town of Aurora, with intent in so doing to commit an indictable offense, to wit, to steal the moneys of the said John L. Ross then being in the said counting-house or bank; and that the said Fred Lee Rice, Frank Rutledge, and Thomas Jones, then and there being in the said counting-house or bank of the said John L. Ross, unlawfully did steal a certain sum of money, to wit, in the amount of $581.85 of the moneys of the said John L. Ross, the same consisting of nine $5 bank notes (Canadian), one $5 bank note (American), eight $10 bank notes (Canadian), and one $2 Dominion of Canada note, twenty-two $1 Dominion of Canada notes, one silver dollar of the United States of America, and the sum of $21.85 in silver and copper; and

That the said Fred Lee Rice, Frank Rutledge, and Thomas Jones, on the 22nd day of May, 1900, in the city of Toronto, county of York, province of Ontario, Dominion of Canada aforesaid, did commit the crime of shop-breaking and did unlawfully, maliciously, and

forcibly break and enter into a certain building in Queen street west, in the said city of Toronto, known as the counting-house of the Standard Bank of Canada, and did commit an indictable
51 offense known to the law as shop-breaking, contrary to the form of section 413 of the Criminal Code, 1892, of the said Dominion of Canada; and

That said William Greer upon his said oath further saith that he is informed and believes that the said Fred Lee Rice, Frank Rutledge, and Thomas Jones are fugitives from the justice of Great Britain and did in or about the month of May, 1900, flee into the jurisdiction of the United States for the purpose of seeking an asylum and are now within the said United States, and that the crimes aforesaid with which the said Fred Lee Rice, Frank Rutledge, and Thomas Jones are charged is such one embraced in the treaty of extradition between the United States and Great Britain; and

Whereas the said Fred Lee Rice, Frank Rutledge, and Thomas Jones have been apprehended and brought before the said commissioner for examination by virtue of a warrant of the said commissioner issued upon the said complaint; and

Whereas the examination of the said charge has been set for hearing at ten o'clock in the forenoon on Monday, the 25th day of June, nineteen hundred:

Now, therefore, you, the said marshal, are hereby commanded that you convey the said Fred Lee Rice, alias Fred Harris, alias "Fritz;" Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, to the said —, and that you have *him* before the said commissioner, at his office, room 550 Monadnock block, in Chicago, in said district, at the time fixed for such examination, and thenceforth from day to day until conclusion thereof; and you, the said keeper of the said jail, are hereby commanded that you receive the said Fred Lee Rice, alias Fred Harris, alias Fritz; Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, into the said jail and them there safely keep, in accordance with the command
52 hereof, to the said marshal.

Witness the hand and seal of the said commissioner, at Chicago aforesaid, this fourteenth day of June, A. D. nineteen hundred, and of the Independence of the United States *of* the 124th year.

[SEAL.] MARK A. FOOTE,
United States Commissioner for the Northern District of Illinois.

Receipt of Jailer.

Received from John C. Ames, U. S. marshal, northern district of Illinois, the bodies of the within-named defendants, Fred Lee Rice, alias Fred Harris, alias Fritz; Frank Rutledge, alias Frank Dwyer,

and Thomas Jones, alias Frank Ryan, alias Frank Kelly, this fourteenth day of June, A. D. (1900) nineteen hundred.

JOHN L. WHITMAN,
Jailer of Cook County.

(Signature of officer making commitment:)
PETER A. ROWE,
Deputy U. S. Marshal.

Filed July 12th, 1900.

MARK A. FOOTE,
U. S. Commissioner.

UNITED STATES OF AMERICA, }
Northern District of Illinois. }

The President of the United States for the northern district of Illinois *and* the keeper of the common jail of the county of Cook, in the State of Illinois, Greeting:

Whereas complaint has been made under the oath of William Greer, an Ontario government detective for the province of Ontario, in the Dominion of Canada, duly appointed, qualified, and acting as such, and instructed and authorized by the attorney general of the said province to prosecute extradition proceedings against Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, before Mark A. Foote, United States commissioner in and for said northern district of Illinois, and duly authorized by the district court of the United States in and for said northern district of Illinois to issue warrants for the arrest of fugitives from justice of foreign governments, that the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge,
53 alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did, as complainant is informed and believes, on the 23rd day of May, nineteen hundred, at the town of Aurora, in the county of York and province of Ontario, in the Dominion of Canada, within the jurisdiction and government of Great Britain, commit the crimes of larceny—that is to say, the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Kelly, alias Frank Ryan, at the time and place aforesaid, did steal from the Post-office building in the said town of Aurora a quantity of Canadian postage stamps, as follows: 100 half-cent stamps, 3,500 one-cent stamps, 3,970 two-cent stamps (rose color), 1,300 two-cent stamps (purple color), 83 one-cent stamps, surcharge two cents; 650 three-cent stamps (maple-leaf design), 170 five-cent stamps, and seven ten-cent stamps, and also certificates for a quantity of mining stock, to wit: certificate for 500 shares of stock of the Golden Star Mining Company, 5,000 shares in the Monte Christo Mining Company, 100 shares in the Lily May Mining Company, 533 shares in the Rossland Red Mountain Mining Company, 100 shares in the Nest Egg Gold Mining Company, 250 shares in the

Caledonian Consolidated, 500 shares in the Vulcan Gold Mining Company, and a receipt for 100 shares in the Silver Bell Mining Company, together with a certain sum of money, to wit, to the amount of $55, all the said postage stamps and certificates for mining stock and money being the property of one H. E. Proctor, and being in all to the value of over two hundred dollars ($200).

That the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did, upon the 23rd day of May, A. D. 1900, in the town of Aurora, county of York, and province of Ontario, in the Dominion of Canada and within
54 the jurisdiction and government of Great Britain, steal one stallion horse, one road cart, and one set of harness, of the value of over two hundred dollars ($200), the property of Philip G. Botton, of the town of Stouffville, in the county of York, aforesaid; and

That the said Fred Lee Rice, alias Fred Harris, alias Fritz, and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, did, on the twenty-third day of May, nineteen hundred, at the town of Aurora aforesaid, by night, unlawfully break and enter a certain counting-house, to wit, the counting-house or private bank of one John L. Ross, situate in the said town of Aurora, with intent, in so doing, to commit an indictable offense, to wit, to steal the moneys of the said John L. Ross, then being in the said counting-house or bank; and that the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, then and there being in the said counting-house or bank of the said John L. Ross, unlawfully did steal a certain sum of money, to wit, in the amount of five hundred eighty-one dollars and eighty-five cents ($581.85), of the moneys of the said John L. Ross, the same consisting of nine $5 bank notes (Canadian), one $5 bank note (American), eight ten-dollars bank notes (Canadian), and one two-dollar Dominion of Canada note, twenty-two $1 Dominion of Canada notes, one silver dollar of the United States of America, and the sum of $21.85 in silver and copper; and

That the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, on the 22nd day of May, nineteen hundred, in the city of Toronto, in the county of York and Dominion of Canada aforesaid, did commit the crime of
55 shop-breaking and did unlawfully, maliciously, and forcibly break and enter into a certain building in Queen street west, in the said city of Toronto, known as the counting-house of the Standard Bank of Canada, and did commit an indictable offense, known to the law as shop-breaking, contrary to the form of the statutes of the said Dominion of Canada, to wit, section 413 of the Criminal Code of 1892; and

The said William Greer upon his oath further saith that he is informed and believes that the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank

Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are fugitives from the justice of Great Britain, and did, on or about the month of May, nineteen hundred, flee into the jurisdiction of the United States for the purpose of seeking an asylum and are now within the United States, and that the crimes aforesaid with which the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, are charged are crimes embraced in the treaty of extradition between the United States and Great Britain; and

Whereas the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, have been apprehended and brought before me, the said Mark A. Foote, commissioner, as aforesaid, for examination on the foregoing charges; and

Whereas on such examination it ap-ears to me that there is probable cause to believe the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank
56 Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, guilty of said offense:

You, the said marshal, are hereby commanded that you convey *to* the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Keely, to the jail of the said county of Cook, and you, the said keeper of said jail, are hereby commanded that you receive the said Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer, alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, into said jail and them there safely and securely keep until there be discharged therefrom by due course of law.

In witness whereof I have hereunto set my hand and affixed the seal, at Chicago, in said district, this 10th day of July, 1900, and of the Independence of the United States the 124th year.

[SEAL.] MARK A. FOOTE,
U. S. Commissioner, Northern Dist. Ill.

NORTHERN DISTRICT OF ILLINOIS, *ss:*

I have executed the foregoing mittimus, as therein commanded, this 10th day of July, A. D. nineteen hundred.

JOHN C. AMES,
U. S. Marshal,
By PETER A. ROWE,
Chief Deputy.

STATE OF ILLINOIS, } *ss:*
County of Cook, }

Received from John C. Ames, U. S. marshal, northern district of Illinois, the bodies of the above-named Fred Lee Rice, alias Fred Harris, alias "Fritz," and Frank Rutledge, alias Frank Dwyer,

alias Frank Dyer, and Thomas Jones, alias Frank Ryan, alias Frank Kelly, this 10th day of July, A. D. nineteen hundred.

JOHN L. WHITMAN,
Jailer of Cook County,
By WILL T. DAVIES, *Jail Clerk.*

Before Mark A. Foote, United States commissioner for the northern district of Illinois, and duly authorized by the district court of the United States for said district under the provisions of title LXVI of the Revised Statutes of the United States to issue warrants
57 for the *ar the* arrest of fugitives from the justice of foreign governments.

In the Matter of the Application of WILLIAM GREER for the Extradition of Fred Lee Rice (alias "Fritz"), Frank Rutledge (alias Frank Dwyer, alias Frank Dyer), and Thomas Jones (alias Frank Ryan, alias Frank Kelly) under the extradition treaty between the United States and Great Britain.

Docket.

1900.

June 14. Complaint of William Greer, agent, etc., is filed and warrant to apprehend is issued.

10 a. m., defendants in court, in person and by their counsel, Messrs. S. H. Trude and I. B. Hudson, Esq.; complainant, in person and by his counsel, Lynden Evans, Esq.; and, on motion of defendants that time is necessary to examine the complaint of William Greer, filed this day, and, if necessary, to prepare a defense, hearing is set for 10 o'clock a. m., the 25th inst., and mittimus is issued accordingly.

June 25th, 10 a. m. Present: Parties and counsel as before. Defendants move for discharge for want of jurisdiction of United States commissioner; also on the ground that complaint is informal, insufficient, and void. Motion overruled. Prosecution offers in evidence certain papers, certified by W. L. Sewell, consul of the United States, and bound in book form, containing index, certificates, etc. (pp. 1–15), depositions (pp. 16–100), and certificate (pp. 101–104). Defendants object to certificate of W. L. Sewell, United States consul (pp. 1, 2, 3), as informal, insufficient, and irregular—not in accordance with the laws of extradition *g*iverned by the United States statutes. Oqjection overruled. Defendants preserve further *o*njections until the papers are severally read. The proffered — is held to be properly certified, and counsel for the prosecution reads therefrom the depositions of Mrs.
58 Jane Banbury, John L. Ross, Ivan Perregrinne, Alymer Clarke, William J. Stevenson, Eli Braund, Henry Fleury, William S. Wilson, Frank Griffiths, William J. Towns, Louis Rhinehart, Arthur Winters, Eleazer Frisby, Fung

Toy, George Lemon, Frank T. Daville, John Miller, Charles Holman, Thomas Smith, Arthur Andrews, John C. Querie, Hermas E. Proctor (p. 63), Mrs. Mary Proctor, Miss Violet Sheppard, Hermas E. Proctor (p. 71), Peter C. Savage, Ansel D. Carley, Norman Henderson, Philip Button, Albert Albin, Joseph Richards, Mrs. Grace Valentine, Charles Harrison, Louise Rutledge, Eldridge Stanton, and William Greer.

Prosecution offers in evidence papers marked "shop-breaking," certified by W. L. Sewell, consul of the United States. Defendants object to the same for the reason that the consular certificate is informal, irregular, and iusufficient, not in accordance with the laws of extradition governed by the statutes of the United States. Objection is overruled. The proffered evidence is held to be properly certified, and counsel for prosecution reads therefrom the depositions of Jerold Ward, John H. Hyland, Alfred Cuddy, and May Valentine; and further proceedings herein are adjourned until tomorrow at ten o'clock.

June 26, 10 a. m. Present: Parties and counsel as before. Resuming the reading of the depositions marked "shop-breaking," commenced yesterday, counsel for prosecution reads therefrom the depositions of Louisa Rutledge, Joseph Richards, Albert Albin, William Greer, and Charles Harrison, defendant-renewing their objections to the same, and further proceedings are adjourned until 10.30 a. m. tomorrow, owing to the absence of a material witness whom the prosecution desires to introduce at this point, and who is a witness in a trial in a court.

59

June 27, 10.30 a. m. Present: Parties and counsel as before. William Schubert, William H. McGrath, and John L. Sullivan, witnesses for the prosecution, are sworn and examined.

The prosecution offers in evidence the deposition of De Toulouse de Lautrec, certified by P. Gorman, vice U. S. counsel general. Defendants object that the certificate is informal, insufficient, not in accordance with the United States statutes. Objection overruled. Deposition is read.

Prosecution offers in evidence the statutes of Canada, and the part thereof known as "Criminal Code of 1892," and reads from "part 30" thereof all of sections 413, 407, 410, 411, 412; also all "title 6, part 34;" also sections 414, 416, 417, 303; 1st, 2nd, 3d, and 4th paragraphs of section 304; sections 305, 306, sections 61, 62, and reserves the right to read other parts later, if desired. (Being property of Chicago Law Library, same is withdrawn from the files herein.)

Defendants object to certificate of date July 12, 1900, as not complying fully with requirements as to evidence, being such as would make it evidence for these purposes before Canadian tribunals. Objections overruled.

Defendants move for discharge on the ground that the evidence is insufficient, and on the ground that on the 14th instant jurisdiction was lost by continuance of more than 10 days' violation of statutes. Motion denied. Continued to 9.30 a. m. tomorrow.

June 28. Parties in court at 9.30 a. m. as before. Defendants argue motion for discharge for want of jurisdiction. Motion overruled. The prisoners, by their counsel, announce as follows: Thomas Jones will stand and produce no testi-
60 mony. Frank Rutledge will stand, and claims discharge. The matter is taken under advisement as to said Jones and Rutledge until 10 o'clock a. m., July 6, 1900, and further proceedings as to said Rice are adjourned until 10 o'clock a. m., July 6, 1900.

July 6. The accused are produced before the commissioner; and it appearing that counsel for prosecution is absent from Chicago and unable to attend here today, further proceedings are adjourned until 10 o'clock a. m. Tuesday, the 10th instant, in the presence of the accused and without objection from them.

July 10, 10 a. m. Present: Parties and counsel as before; and William S. Young, George E. Shippy, Albert Butler, George A. Weimer, and Fred Lee Rice are sworn and examined in behalf of the defendant Fred Lee Rice. W. P. Davis, introduced by the prosecution, is sworn and examined; argument of counsel is heard, and the commissioner finds that there is probable cause to believe the defendants guilty, as charged in the complaint herein, and it is ordered that they stand committed to await the action of the proper authority in the matter.

Defendants take an exception.

MONDAY, *April* 30, *A. D.* 1900.

The district court of the United States for the northern division of the northern district of Illinois met at 10 o'clock a. m. pursuant to adjournment.

Present: The Hon. Christian C. Kohlsaat, judge of said court, presiding; the clerk, and marshal.

It is hereby ordered that Mark A. Foote, a United States commis-ioner for the northern district of Illinois, be, and he hereby is, appointed and authorized in all cases arising under extradi-
61 tion treaties between the Government of the United States and foreign governments and under the statutes enacted in pursuance thereof, upon proper complaint made before him, to issue warrants for the apprehension and commitment of persons charged with having committed within the jurisdiction of such foreign governments any of the crimes for which under such treaties such per-

sons may be extradited, and also to hear and consider the evidence of criminality adduced against such persons, and in general to take such steps in such cases in order that the provisions of said treaties and the acts of Congress in relation thereto may be carried into effect.

Before Mark A. Foote, U. S. commissioner and duly appointed under the provisions of title LXVI of the Revised Statutes of the United States to issue warrants for the arrest of fugitives from the justice of foreign governments.

Application for Extradition under the Treaty of Extradition between the United States of America and Great Britain.

In re FRED LEE RICE, alias, etc.; FRANK RUTLEDGE, alias, etc.; THOMAS JONES, alias, etc.

I, Mark A. Foote, commissioner as aforesaid, hereby certify that the accompanying documents and exhibits are a true, full, and correct copy of the record of the complaints, process, proceedings, and evidence in the above matter.

Witness my hand and seal at Chicago, in said division and district, this 14th day of July, A. D. nineteen hundred.

(Signed) MARK A. FOOTE,
U. S. Commissioner N. D. Illinois and Duly Authorized Herein.

The foregoing was all of the evidence introduced in this case on the hearing herein.

And the court thereupon considered all the material allegations and all the points raised in said petition and amendment thereto and heard counsel for the respective parties herein, and, being fully advised in the premises, denied the application of Fred Lee Rice, Frank Rutledge, and Thomas Jones for discharge and dismissed the petition herein; to which ruling of the court and dismissal of the petition herein the relators, by their counsel, then and there duly accepted.

Forasmuch as the matters above set forth do not fully appear of record, the said Fred Lee Rice, Frank Rutledge, and Thomas Jones tender this their bill of exceptions and pray that the same may be signed and sealed by the judge of this court pursuant to law, which is accordingly done this 29 day of August, 1900.

C. C. KOHLSAAT, *Judge.* [SEAL.]

O K.
S. H. TRUDE,
Att'y for Relators.

Presented Aug. 8, 1900.

KOHLSAAT, *J.*

Endorsed: 9304. *In re* Fred Lee Rice *et al.* Filed August 29, A. D. 1900. T. C. MacMillan, clerk.

And afterwards, to wit, on the 16th day of July, A. D. 1900, the following order was had and entered of record in said cause before the Hon. Christian C. Kohlsaat, judge, to wit:

In re Petition of FRED LEE RICE ET AL. for Writ of *Habeas Corpus*.
9304.

It is ordered that a citation issue to John C. Ames, marshal for the United States in and for the northern district of Illinois, and that Clark J. Tisdel be, and hereby is, appointed to serve said citation by reading same and by leaving copy thereof with said John C. Ames, United States marshal, and also to notify said marshal that a supersedeas has been ordered in the above matter.

And afterwards, to wit, on the 18th day of July, A. D. 1900, there was filed in the clerk's office of the district court a bond in said cause, said bond being in the words and figures following, to wit:

Know all men by these presents that we, Fred Lee Rice, Frank Rutledge, and Thomas Jones, as principals, and Herbert S.
62 Griswold, as surety, are held and firmly bound unto John C. Ames, United States marshal for the northern district of Illinois, in the full and just sum of five hundred dollars, to be paid to the said John C. Ames, United States marshal, certain attorney, executor, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 18th day of July, in the year of our Lord one thousand nine hundred.

Whereas lately, at a term of the United States district court for the northern district of Illinois, in a suit pending in said court, *In re* The United States *ex rel.* Fred Lee Rice, Frank Rutledge, and Thomas Jones, "*habeas corpus* matter," against John C. Ames, United States marshal, a judgment was rendered against the said Fred Lee Rice, Frank Rutledge, and Thomas Jones, denying their application for discharge from imprisonment, and the said Fred Lee Rice, Frank Rutledge, and Thomas Jones having obtained an appeal and filed a copy thereof in the clerk's office of the said court to reverse the judgment in the aforesaid suit, and a citation directed to the said John C. Ames, United States marshal, citing and admonishing him to be and appear at a Supreme Court of the United States, to be holden at Washington, within 30 days from the date thereof:

Now, the condition of the above obligation is such that if the said Fred Lee Rice, Frank Rutledge, and Thomas Jones shall prosecute said appeal to effect and answer all damages and costs if they fail

to make their plea good, then the above obligation to be void; else to remain in full force and virtue.

FRED LEE RICE. [SEAL.]
FRANK RUTLEDGE. [SEAL.]
TOM JONES. [SEAL.]
HERBERT S. GRISWOLD. [SEAL.]

Sealed and delivered in presence of—
—— ——.

Approved July 19, 1900.
KOHLSAAT, *Judge.*

STATE OF ILLINOIS, } ss:
County of Cook, }

63 On this 18th day of July, A. D. 1900, personally appeared before me Fred Lee Rice, Frank Rutledge, and Thomas Jones, the within-named principals, and acknowledged that they signed, sealed, and delivered the within bond for the purposes therein set forth.

WILL T. DAVIES, [SEAL.]
Notary Public.

STATE OF ILLINOIS, } ss:
County of Cook, }

Herbert S. Griswold, being first duly sworn, on oath says that affiant resides at 2818 South Park Ave., Chicago, Illinois; that affiant is the owner of the premises known as number 4009 & 4011 Wentworth Ave., Chicago, Illinois, which is improved with two-story building; that the deed of same is on record in his name; that said premises is worth six thousand dollars and incumbered for three thousand dollars; that affiant is worth four thousand dollars over and above his liabilities.

(Signed) HERBERT S. GRISWOLD.

Subscribed and sworn to before me this 18th day of July, 1900.
CHAS. A. BUELL.
U. S. Commissioner, Nor. Dist. of Ill.

Endorsed: 9304. United States district court, northern dist. of Illinois, northern division. *In re* Fred Lee Rice *et al. vs.* John C. Ames, United States marshal. Bond. Filed July 19, 1900. T. C. MacMillan, clerk. B.

And afterwards, to wit, on the 29th day of August, A. D. 1900, the following order was had and entered of record in said cause before the Hon. Christian C. Kohlsaat, judge, to wit:

In re FRED LEE RICE ET AL. for Writ of *Habeas Corpus.* 9304.

This cause coming on to be heard on motion of the relators, by their attorney, S. H. Trude, Esq., to be admitted to bail, come the

parties, by their attorneys, and the court being fully advised in the premises, it is ordered by the court that said motion be, and the same hereby is, overruled and denied.

63½ And afterwards, to wit, on the 29th day of August, A. D. 1900, there was filed in said court an additional bill of exceptions in said cause, said additional bill of exceptions being in the words and figures following, to wit:

In the District Court United States, No. Dist. Ill.

In re FRED LEE RICE, FRANK RUTLEDGE, and THOMAS JONES. Case No. 9304.

Be it remembered that on the 29th day of August, A. D. 1900, in open court, appeared S. H. Trude, attorney for the relators herein, and on notice to all parties moved that bail be fixed for each of said relators, and that said relators be admitted to reasonable bail under rules 34 and 36 of the United States Supreme Court, and the court, having heard the arguments of counsel, denied said motions; to which rulings of the court in denying said motions counsel then and there for relators duly excepted.

Forasmuch as the above and foregoing does not appear of record, the relators tender this bill of exceptions and ask that same be sealed and signed by the judge, which is accordingly done this 29th day of August, A. D. 1900.

KOHLSAAT, *Judge.* [SEAL.]

Endorsed: 9304. In dist. court U. S., no. dist. Ill. *In re* Fred Lee Rice *et al.* Additional bill of exceptions. Filed Aug. 29, 1900, at 10 o'clock a. m. T. C. MacMillan, clerk. S. H. Trude, att'y for relators.

64 And afterwards, to wit, on the 8th day of August, A. D. 1900, there was filed in the clerk's office of said court an additional assignment of errors in said cause, said assignment of errors being in the words and figures following, to wit:

In the Supreme Court of the United States, United States of America.

UNITED STATES *ex Rel.* FRED LEE RICE, Frank Rutledge, and Thomas Jones, Appellants,
vs.
JOHN C. AMES, United States Marshal for the Northern District of Illinois, Appellee.

Writ of *Habeas Corpus.* Case No. 9304.

Additional Assignment of Error.

There was also manifest error in this, that the said Mark A. Foote took the said matter under advisement on June 28th, 1900, as to relators Frank Rutledge and Thomas Jones, and ordered them into

custody after they had then and there and at all times refused to offer any evidence on their part on the ground, which was repeatedly urged, that said commissioner had no jurisdiction; that any discretion which said Mark A. Foote could possibly have had relating to granting continuances for time to procure evidence and prepare for hearing ended when no necessity for exercising such discretion any longer existed; that so many continuances on said complaints and so long confinement of the relators and such taking of the relators' cases under advisement was an absolute abuse of discretion.

S. H. TRUDE.
Att'y for Relators and Appellants.

Endorsed: Case No. 9304. United States district court, nor. dist. Illinois. U. S. *ex rel.* Fred Lee Rice *et al.* Additional assignment of errors. Filed by leave of court Aug. 8, 1900, at 10 o'clock a. m. T. C. MacMillan, clerk. S. H. Trude, att'y for relators.

65 And afterwards, to wit, on the 29th day of August, A. D. 1900, there was filed in the clerk's office of said court a stipulation in said cause, said stipulation being in the words and figures following, to wit:

In the United States District Court, Northern District of Illinois, Northern Division.

UNITED STATES *ex Rel.* FRED LEE RICE, Frank Rutledge, and Thomas Jones *vs.* JOHN C. AMES, United States Marshal, Northern District of Illinois.	Writ of *Habeas Corpus.* Gen. No., 9304. Stipulation.

It is hereby stipulated and agreed by and between the parties hereto, by S. H. Trude, attorney for the relators, and Lynden Evans, attorney for John C. Ames, United States marshal, that the clerk of the above district court, in making up a transcript of the record in the above matter for the Supreme Court of the United States, to be used in pursuance of the appeal heretofore prayed and allowed, shall omit from said transcript of the record—

All depositions taken before examining magistrates in Canada and the certificates of authentication thereto attached, the same being pages 31 to 163, inclusive, of the bill of exceptions filed herein August 29, 1900;

And shall omit from said transcript of the record all the oral testimony taken before Mark A. Foote, the same being pages 164 to 254, inclusive, of the bill of exceptions filed herein August 29, 1900;

And shall omit from said transcript of the record the allegations in the petition for writ of *habeas corpus* and assignment of errors filed herein which referred to the insufficiency of said certificates of authentication;

And shall omit from said transcript of the record the allegations in said petition and the assignment of error which raised the question of the insufficiency of depositions and oral evidence taken before said Mark A. Foote.

S. H. TRUDE,
Attorney for the Relators.
LYNDEN EVANS,
66 *Att'y for John C. Ames, U. S. Marshal.*

Endorsed: Gen. No., 9304. In the district court of the U. S., northern district of Ill., northern division. United States *ex rel.* Fred Lee Rice, Frank Rutledge, and Thomas Jones *vs.* John C. Ames, U. S. marshal, northern district of Illinois. Stipulation. Filed Aug. 29, 1900, at 10 o'clock a. m. T. C. MacMillan, clerk. B. S. H. Trude, att'y for the relators.

And afterwards, to wit, on the 30th day of August, A. D. 1900, there was filed in the clerk's office of said court a præcipe for transcript of the record of the proceedings, said præcipe being in the words and figures following, to wit:

In the United States District Court, Northern District of Illinois, Northern Division, *ss:*

UNITED STATES *ex Rel.* FRED LEE RICE, Frank Rutledge, and Thomas Jones *vs.* JOHN C. AMES, United States Marshal, Northern District of Illinois.	Writ of *Habeas Corpus.* Case No. 9304.

To the clerk of the above-entitled court, northern district of Illinois:

You will please prepare a transcript of the record in the cause to be filed in the office of the clerk of the Supreme Court of the United States under the appeal heretofore perfected to said court, and omit from said transcript pages 31 to 254, inclusive of the bill of exceptions filed August 29th, 1900, and also omit the allegations in the petition for writ of *habeas corpus* and assignment of errors which have reference to the insufficiency of the certificates of authentication and the insufficiency of the evidence, in accordance with the joint stipulation of the parties hereto to that effect, filed August 29th, 1900.

Said transcript must be prepared in accordance to law and the rules of the United States Supreme Court, and so as to be filed in the office of the clerk of said Supreme Court of the United States on or before the 15th day of September, 1900.

S. H. TRUDE,
Att'y for Relators and Appellants.

Endorsed: Case No. 9304. In the United States dis. court, northern dist. of Illinois, northern division. United States *ex rel.* Fred Lee Rice, Frank Rutledge, and Thomas Jones *vs.* John C. Ames, United

States marshal, northern dist. of Illinois. Præcipe for transcript of the record. Filed Aug. 30, 1900. T. C. MacMillan, clerk. S. H. Trude, att'y for relators.

67 In the District Court of the United States for the Northern District of Illinois, Northern Division.

I, T. C. MacMillan, clerk of the district court of the United States of America for the northern district of Illinois, do hereby certify the above and foregoing to be a true and correct transcript of the record of the proceedings had in case No. 9304, *In re* petition of Fred Lee Rice, Frank Rutledge, and Thomas Jones for writ of *habeas corpus*, prepared in accordance with joint stipulation of parties herein, and præcipe for a transcript of the record filed in said cause, as the same appears from the record and files of said court now remaining in my custody and control.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, in my office, in Chicago, in said district, this 12th day of September, A. D. 1900.

[Seal of Dist. Court U. S., Northern Dist. Illinois, 1855.]

T. C. MACMILLAN, *Clerk.*

68 UNITED STATES OF AMERICA, *ss:*

To John C. Ames, United States marshal, northern district of Illinois, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within 30 days from the date hereof, pursuant to an appeal filed in the clerk's office of the district court of the United States for northern district of Illinois, in the matters of Fred Lee Rice, Frank Rutledge, and Thomas Jones, petitioners for release on *habeas corpus*, and appellants herein, and you are defendant, to show cause, if any there be, why the judgment rendered against the said appellants, as in the said judgment mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Christian C. Kohlsaat, judge U. S. district court, nor. dist. Ill., this 16th day of July, in the year of our Lord one thousand nine hundred.

KOHLSAAT, *Dist. Judge.*

[Endorsed:] No. 9304. Supreme Court of the United States. *In re* Fred Lee Rice *et al.* Citation to the Supreme Court of the United States. Filed July 16, A. D. 1900. T. C. MacMillan, clerk. B.

69 On this 16th day of July, in the year of our Lord one thousand nine hundred, personally appeared Clark J. Tisdel before me, the subscriber, and makes oath that he delivered a true copy of the within citation to John C. Ames, U. S. marshal, northern district of Illinois.

CLARK J. TISDEL.

Sworn to and subscribed the 16th day of July, A. D. 1900.

[Seal of M. E. Patterson, Notary Public, Cook County, Ill.]

M. E. PATTERSON,
Notary Public, Cook Co., Ill.

Endorsed on cover: File No., 17,905. N. Illinois D. C. U. S. Term No., 420. Fred Lee Rice, Frank Rutledge, and Thomas Jones, appellants, *vs.* John C. Ames, United States marshal for the northern district of Illinois. Filed September 17th, 1900.